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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Fifth session
Vienna, 4-15 October 1999

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its fourth session, held in Vienna from 28 June to 9 July 1999

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I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998. In its resolution 53/114, also of 9 December 1998, the Assembly called upon the Ad Hoc Committee to devote attention to the drafting of the main text of the Convention, as well as, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

2. At its eighth session, held in Vienna from 27 April to 6 May 1999, the Commission on Crime Prevention and Criminal Justice recommended to the General Assembly, through the Economic and Social Council, the adoption of a resolution on the draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto. According to that resolution, the Assembly would decide that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children.

3. Also at its eighth session, the Commission recommended to the General Assembly, through the Economic and Social Council, the adoption of a resolution on the activities of the Ad Hoc Committee: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives. According to that resolution, the Assembly would welcome the work of the Ad Hoc Committee and encourage it to continue the negotiation of an international legal instrument dealing with the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; and would direct the Ad Hoc Committee, following the completion of a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, to be prepared by an expert group that the Secretary-General would be requested to convene, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.

4. In accordance with a resolution on action against corruption, also recommended by the Commission at its eighth session, through the Council, to the General Assembly for adoption, the Assembly would direct the Ad Hoc Committee to incorporate into the Convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials.

II. Organization of the session

A. Opening of the session

5. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its fourth session in Vienna from 28 June to 9 July 1999. The Ad Hoc Committee held 20 meetings.

6. At its third session, held in Vienna from 28 April to 3 May 1999, the Ad Hoc Committee had decided to consider articles 4 *ter*, 5, 6, 9, 10 and 14 of the draft Convention at its fourth session, as well as to continue its first reading of the international legal instrument against trafficking in women and children and to carry out a second reading of the international legal instrument against illegal trafficking in and transporting of migrants, including by sea.

7. After the opening of the fourth session of the Ad Hoc Committee by its Chairman, the Secretary drew attention to the first draft of a glossary of terms in all official languages of the United Nations that had been made available to the Ad Hoc Committee (A/AC.254/CRP.16). The draft glossary was based on the text of the draft Convention contained in document A/AC.254/4/Rev.1 and comprised terms contained in articles 1-19 of the draft Convention. It was distributed with a view to allowing delegations to review the terms and provide feedback to the Secretariat on their accuracy and consistency by the fifth session of the Ad Hoc Committee, to be held from 4 to 15 October 1999. Work was continuing to complete the draft glossary and to include terms contained in the three additional international legal instruments that the Ad Hoc Committee had been mandated to draft.

8. The Secretary also informed the Committee of the support provided for the first time to a number of least developed countries, using funds generously contributed

by the Governments of Japan and the United States of America. It was the intention of the Secretariat to review the provision of assistance to least developed countries, in consultation with the regional groups concerned and in the light of the experience gained at the fourth session.

9. The Government of Austria announced its intention to make a voluntary contribution of 300,000 schillings. The Government of Norway announced a voluntary contribution of approximately $13,000. The Government of Poland announced a voluntary contribution of approximately $20,000. The Chairman expressed the gratitude of the Committee to those delegations and encouraged others to follow their example.

10. Prior to opening the debate on the draft Convention, the Chairman announced the division of work between the Vice-Chairmen agreed upon by the bureau for the session.

B. Attendance

11. The fourth session of the Ad Hoc Committee was attended by representatives of 97 States. Also attending the fourth session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Adoption of the agenda and organization of work

12. At its 37th meeting, on 28 June 1999, the Ad Hoc Committee adopted the following agenda for its fourth session:

1. Opening of the fourth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 *ter*, 5, 6, 9, 10 and 14.
4. Consideration of additional international legal instruments:
   (a) Draft international legal instrument against illegal trafficking in and transporting of migrants;
   (b) Draft international legal instrument against trafficking in women and children.
5. Adoption of the report of the Ad Hoc Committee on its fourth session.

D. Documentation

13. At its fourth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Australia, Belgium, Canada, China, France, India, Italy, the Holy See, the Libyan Arab Jamahiriya, Lithuania, Mexico, Morocco, the Netherlands, New Zealand, Poland, Slovakia, the Syrian Arab Republic, Sweden and the United States of America. A list of documents is contained in annex II to the present report.

III. Discussion on the draft Convention

14. The Ad Hoc Committee based its work on a document containing the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.7 and Add.8 and A/AC.254/L.28, L.29, L.33, L.34, L.36, L.38, L.39, L.41-45, L.47-50 and L.64). Revisions and amendments to the draft Convention based on the summary of the Chairman of the Ad Hoc Committee appeared in two documents (A/AC.254/L.37 and L.40).

15. The Ad Hoc Committee discussed articles 4 *ter*, 5, 6, 9 and 14 (paras. 1-13) at its 37th to 46th meetings. In continuing its second reading of the draft Convention and in accordance with the request of its Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect, to the extent possible, the points of convergence, and would form the basis for further drafting. The new version of the text of those articles was included in document A/AC.254/L.53/Add.2. The progress achieved

by the Ad Hoc Committee at its fourth session will be reflected in a new version of the draft Convention.[1]

IV. Discussion on the additional international legal instruments against trafficking in women and children, and illegal trafficking in the transporting of migrants, including by sea

16. The Ad Hoc Committee discussed the additional international legal instrument against illegal trafficking in and transporting of migrants, including by sea, at its 47th to 51st meetings. It based its work on a document containing the draft protocol against the smuggling of migrants by land, air and sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.1) and on proposals and contributions submitted by Governments (A/AC.254/L.31, L.35, L.46, L.51, L.55 and L.58-62).

17. At its first session, held in Vienna from 19 to 29 January 1999, the Ad Hoc Committee had carried out a preliminary review of the above-mentioned additional international legal instrument (A/AC.254/4/Add.1). The discussions held and the numerous proposals submitted by Governments at that session were reflected in a considerably revised draft text (A/AC.254/4/Add.1/Rev.1). At its fourth session, the Ad Hoc Committee carried out a second reading of articles 1-5 of that revised draft text. The progress achieved by the Ad Hoc Committee will be reflected in a new version of the draft protocol.[2]

18. The consideration of certain provisions in the draft text gave rise to a general discussion that revolved around the purpose and focus of the instrument. Some delegations expressed concern about the potential unintentional misuse of the protocol, which could have an adverse effect on migrants, and in that context questioned its desirability. In that connection, several references were made to the mandate of the Ad Hoc Committee, as contained in General Assembly resolutions 53/111 and 53/114. The Chairman summarized the discussion by reiterating the understanding that the protocol was inextricably linked to the Convention,

[1] To be issued subsequently as document A/AC.254/4/Rev.4.

[2] To be issued subsequently as document A/AC.245/4/Add.1/Rev.2.

V. Adoption of the report of the Ad Hoc Committee on its fourth session

22. At its 32nd meeting, on 9 July, the Ad Hoc Committee adopted the report on its fourth session (A/AC.254/L.53).

23. At the same meeting, the Ad Hoc Committee approved the provisional agenda and organization of work of its fifth session, to be held in Vienna from 4 to 15 October 1999 (A/AC.254/L.53/Add.1).*

24. Referring to the acknowledgement by the Ad Hoc Committee of the need for technical input to its work related to the additional international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the delegation of Japan suggested the organization of a two-day technical meeting to be held during the fifth session of the Ad Hoc Committee. The delegation of Italy suggested that a similar meeting should be organized on the additional international instrument against illegal trafficking in and transport of migrants, including by sea. Italy, together with Austria, were exploring the possibility of making a voluntary contribution to the Crime Prevention and Criminal Justice Fund in order to meet the additional cost of such a meeting. The Ad Hoc Committee took note of those suggestions.

25. At its 36th meeting, on 9 July, the Ad Hoc Committee decided that in future informal consultation meetings should be organized in order to facilitate the implementation of its mandate. The holding of those meetings would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee during the session of the Ad Hoc Committee; and (f) the informal consultations could be assigned inter alia, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee. The Ad Hoc Committee requested its bureau, in consultation with the secretariat, to explore the modalities of the organization of the informal consultations, to decide on the holding of such informal consultations at the fifth session of the Ad Hoc Committee, bearing in mind suggestions made by States at the fourth session, and to inform the members of the Ad Hoc Committee accordingly.

* To be issued subsequently as document A/AC.254/18.

Annex I

List of participants

States

Afghanistan	Jarid A. Amin
Algeria	Mokhtar Regueg, Salah Francis El-Hamdi
Angola	Henrique Dos Santos, Fidelino Lev de Jesus Figueiredo, Antonio Feliciano, Miranda José Lando, Kwenumina Lumpa Divezwa, Jorge de Mendonca Pereira, Valmiro da Cruz Verdades
Argentina	Juan Carlos Kreckler, Eugenio M. Curia, Ana Luisa Wirth Schwind, Daniel Amigo, Martin Recondo
Australia	Norman Reaburn, Steven Marshall, Crispin Conroy, Helen Stylianou, Roger Nelson
Austria	Jörg Freudenschuss-Reichl, Ferdinand Trauttmansdorff, Ulrike Kathrein, Wolfgang Pekol, Franz Fallmer, Hans Haller, Gregor Schusterschitz, Heinz Kubowitz, Karl Hutter, Christian Ebner, Lino Drobesch
Azerbaijan	Vagif Sadykhov, Fuad Ismayilov
Belarus	Valyantsin Fisenka, Igor Shaladonau
Belgium	Michel Adam, Peter Martin, J.-S. Jamart, Wouter Bouvrique, W. De Meyer, M.-F. Gazan
Benin	Antoine Gouhouede, Thierry Hamas Ogoubi
Bolivia	Jaime Niño de Guzman, Maria Lourdes Espinoza Patiño, Alvaro Gonzales Quint
Brazil	Renan Calheiros, Sandra Valle, Manuel Gomes Pereira, José Jorge Alcazar Almeida
Bulgaria	Vlou Chobanov, Christo Spassov
Burkina Faso	Thomas Ouédraogo, Hermann Traoré, Yolande Ouédraogo, Ousmane Traoré
Canada	Keith Morrill, Debra Normoyle, Alan Morgan, Sabine Nolke, Kim Prost
Cape Verde	Vanda Cruz, Domingos de Pina
Chile	Osvaldo Puccio Huidobro, Rosa Melendez, Patricio Powell
China	Xu Hong, Liu Yinghai, Zhai Junrong, Bai Ping, Li Wensheng, Gan Guodong, Wu Haiwen
Colombia	Hector Charry Samper, Carlos Rodriguez Bocanegra, Maria Ximena Lombana Villalba, Samir Farid Benavidez
Costa Rica	Stella Avram Neuman

[illegible]	[illegible]
Cuba	Jose Antonio Portuondo Valdor, Rodrigo Anido Antunez, Antonio Fernandez Lopez, Liusvi Zamora Hernandez
Cyprus	Nicolaos D. Macris, Andreas Ignatiou, Antonios Theocharous, Anni Shakalis, Maria Kirmizi
Czech Republic	Tomas Burri, Jan Kohout, Katerina Gauthierova, Pavel Sturma
Denmark	Gitte Rundahl, Axel Heslov, Susanne Toppaard, Carsten Krogh, Christine Petersen, Kristina Miskowiak
Djibouti	Abdi Ismael Hersi
Ecuador	Patricio Palacios, Franklin Chavez
Egypt	Mostafa Fleky, Iskandar Ghattas, Hesham Ahmed Fouad Soroor
Finland	Tom Tromberg, Jaakko Hallimen, Matti Joutsen, Kari Eskola, Camilla Buus Nielsen, Pia Rantala, Jan Tarvainnin
France	Berengere Quincy, Philippe Delacroux, Alain Monroan, Olivier de Baynast, Michel Gauthier, Daniel Lentzmann, Anne Delahaye, Michel Quille, Jean Louis Verroun, Delphine Lida, Bruno Sayoye, Jean Marc Tur, Alain le Droff
Gabon	Yolande Biby
Georgia	Levan Mikeladze, Zurab Chapidze, David Zalkaliani
Germany	Karl Burchard, Michael Groß, Hans Peter Pluschka, Axel Wehbe, Marco Duerkop, Albrecht Volkwein, Martina Lapacz, Wieland Mozdzynski, Klaus Messerig, Albert Mankl, Christian Drews, Bernd Rossbach, Nicole Zundorf-Hintz
Greece	Ioannis Angelis, Panayiotis Petropoulos, Konstantinos Piperigos, Konstantinos Matzouka, Petros Liefthériadis
Guatemala	Federico Urrutia Prado, Ricardo Diaz Duque, Sylvia Wohlers de Mier
Honduras	[illegible]
Hungary	[illegible]
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Indonesia	Eiee Sulistiamingsih, T. S. Pangaribuan, Sadewo Isedo, M. Chalis Hasan, Purnam, Dian Sutrisno, Zaltermann Mulabery
Iran (Islamic Republic of)	Amir Hossein Zamanian, Bahram Darvish Khademi, Mirhossein Abedian, Saeid Faryabi
Iraq	Nasr Al-Hadithi, Jaman Faris
Ireland	Michael Flahive, Sean Hughes, Paul Murray, Mary Sayers

Italy	Vincenzo Manno, Gioacchino Polimeni, Luciano Galli, Massimo Curcio, Luigi Sico, Giusto Sciacchitano, Gualtiero Michelini, Elisabetta Rosi, Ennio di Francesco, Vincenzo Delicato, Tiziana Terribile, Castore Palmerini, Giancarlo Olimbo, Maria Grazia Giammarinaro, Alfredo Nunzi
Japan	Nobuaki Ito, Hiroshi Kawamura, Kiyoshi Koinuma, Kazuhito Sakurai, Keisuke Senta, Kei Umebayashi, Yoshihiro Kai, Nobuhiro Watanabe, Nobuaki Eguchi, Toshiaki Takahashi, Junya Osamura, Kengo Yoshihara
Kuwait	Faisal Al-Ghais, Hamed Saleh Al-Othman, Zakaria Al-Ansari, Jasem Al-Budaiwi
Lebanon	Georges Boustani, Caroline Ziade
Libyan Arab Jamahiriya	Said Abdulaati, Sherif Ali Alazhari, Mehdi S. Medjrbi, Faisal Elshaeri
Lithuania	Andrejus Pilipavecas, Algimantas Čepas
Luxembourg	Georges Santer, Pierre Franck, Pierre Ferring, Katia Kremer
Mali	Mohamed Maiga
Malta	Carmel A. Agius
Mexico	Luis Alfonso de Alba, Bruno Figueora, Francisco Altamirano Trejo, Jose Humberto Castro Villalobos, Ulises Canchola, Sergio Olivar Moctezuma, Arturo Ruiz, Javier Basulto, Pedro Ortiz Martinez
Morocco	Abderrahim Benmoussa, Tayeb Cherkaoui, Abdellatif Saadi
Mozambique	Maria Leonor Joaquim, João de Brito da Cunha, Zainadine Dalsuco, Pedro Sinai Nhantitima
Namibia	Lineekela J. Mboti, Simon Madjumo Maruta
Netherlands	Hans Förster, Marjorie Bonn, Jan Peek, Just Wiarda, Kees Nederlof, Michael Bierkens, Joël van Andel, Quirine van de Linde
New Zealand	Anna Louise Duncan
Nicaragua	Suyapa Indiana Padilla Tercero
Nigeria	M.I.N. Duru, A. A. Ayoko
Norway	Hilde Indreberg, Anne Folkvord, Gjermund Saether, Ola Rambjør Heide, Birgit Vinnes
Oman	Ahmed Said Al-Hasani, Said Nasser Al-Siyabi, Yousuf A. H. Al-Jabry
Pakistan	Shaukat Umer, Iffat Imran Gardezi
Panama	Jorge Enrique Halphen Pérez, Mirna P. de Perez-Venero
Peru	Gilbert Chauny de Porturas Hoyle, Ruth Saif de Preperier, Manuel Alvarez Espinal

Philippines	Victor G. Garcia III, Victoria S. Bataclan, Romeo L. Cairme, Ricardo T. de Leon, Edgar C. Galvante, Mary Anne A. Padua, Felix V. de Leon, Nelia Sancho
Poland	Janusz Rydzkowski, Michał Płachta, Mariusz Skowroński
Portugal	João Rosa Lã, Euclides Dâmaso Simões, Maria do Carmo Costa, Teresa Alves Martins
Qatar	Ali Issa Al-Khulaifi, Salem Sager Al-Meraikhi
Republic of Korea	Chung Dal-ho, Yuh Jae-hong, Lee Chang-jae, Je Dong-hwan
Romania	Alina Dorobant, Adrian Vierita
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Rwanda	Johnston Busingye
Saudi Arabia	Omar Mohammed Kurdi, Mutlaq Bin Saleh Al-Dabjan, Abdulla Bin Abdul Rahman Al-Yousef, Abdul Rahman Hamdan Al-Shamrani, Fahd Nasser Al-Menna, Mohamed Bin Nasser Al-Owlah, Said Ghassan Al-Rachach, Su'ud Al-Mutlaq
Singapore	Mathew Joseph, Keen Onn Wong, Danielle Ping Lin Yeow
Slovakia	Alojz Némethy, Zuzana Chudá, Vladimir Kotulič, Pavol Slopovský, Denisa Ivanová, Jozef Szabó, Metod Špaček
Slovenia	Bojan Bertoncelj
South Africa	N. J. Mxakato-Diseko, N. S. Schoombie, Peter Gastrow, N. P. Notutela, P. Smith, Patrick Matlotleng Matlou
Spain	Antonio Ortiz Garcia, Almudena Mazarrasa, Valentin Dueñas Jiménez, Ignacio Baylina Ruiz, Alvaro Trejo, Felix Rivera, Juan González Bueno, Antonio Yébenes, Alberto Ruiz Secchi
Sri Lanka	Deepika Subasinghe
Sudan	Abdel Ghaffar Abdel Rahman Hassan, Kureng Akuei Pac
Swaziland	Melusie Martin Masuku
Sweden	Örjan Landelius, Johanna Peyron, Elin Sandberg, Erica Hemtke, Håkan Öberg
Switzerland	Marianne von Grünigen, Urs Breiter, Anita Marfurt, Olivier Thormann, Stephan Arnold
Syrian Arab Republic	Abboud Al-Sarraj, Kais El-Sheich, Jawdat Nabouti, Soubhi Salum, Jamal Al-Satm
Thailand	Sorayouth Prompoj, Sukho Piromnam, Wanchai Roujanavong, Morakot Sriswasdi
Togo	Bénivi Beni-Locco

Tunisia	Abdelaziz Chaabane, Emna Lazoughli, Nabil Ammar, Mohamed Salah Sagaama, Sabri Chaabani
Turkey	A. Asim Arar, Ayse Simsek, Macide Erdener, Ayfer Aksu, Selen Isil Kocara, Nilufer Erdem Kaygisiz
Ukraine	Mykola P. Makarevych, Yevgen Strekalov, Rostyslav Tron Serhyi Sokolov, Roman Syschuk, Viktoria Kuvshynnykova
United Arab Emirates	Mohammed Mahmood Al Kamali, Abdullah Al Falasi, Ahmed Al Masrooie, Ahmed Al Dosari, Mohammed Saeed Al Kindi, Ayad Al Yasiri
United Kingdom of Great Britain and Northern Ireland	John Freeman, Richard Bradley, Mark Etherton, David Lushe Emma Gibbons, Alison Dick, Neil Clowes
United States of America	Kenneth Propp, Kenneth Harris, Jeffrey A. Breinholt, Sherman Hinson, Herbert S. Traub III, James Puleo, Mary Helen Carlson, Jeff Bullwinkel, Thomas Burrows, Steve Warnath, Robert Brian Hamilton
Uruguay	Jorge Talice, Fructuoso Pittaluga-Fonseca, Elena Fajardo
Venezuela	Fidel Garofalo, Kidder Salazar Bastardo
Viet Nam	Pham Hong Nga
Yemen	Hassan M. Makki, Nageeb Ismail Ali
Zimbabwe	E. L. Kawonza, P. Mphoko

Entities represented by observers

Palestine

United Nations Secretariat units

Department of Economic and Social Affairs, Office of the United Nations I Commissioner for Human Rights, Office for Drug Control and Crime Prevention

United Nations bodies and affiliated institutes

United Nations Children's Fund, Office of the United Nations High Commissioner Refugees, International Institute of Higher Studies in Criminal Sciences

Specialized agencies and other organizations of the United Nations system

International Maritime Organization

Other intergovernmental organizations

Agence intergouvernementale de la Francophonie, Asian-African Legal Consultative Committee, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of the European Union, European Commission, Europol, International Centre for Migration Policy Development, International Criminal Police Organization, International Organization for Migration, League of Arab States, Organization for Security and Cooperation in Europe, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status:

International Council of Women

Special consultative status:

Anti-Slavery International, Asia Crime Prevention Foundation, Association for the Study of the World Refugee Problem, Caritas Internationalis (International Confederation of Catholic Charities), Coalition Against Trafficking in Women, Human Rights Watch, International Council on Alcohol and Addictions, International Federation of University Women, International Human Rights Law Group, International Real Estate Federation, Italian Centre of Solidarity, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Salvation Army, World Council of Independent Christian Churches

Roster:

International Abolitionist Federation, International Alliance of Women—Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, Japan Federation of Bar Associations

Annex II

List of documents before the Ad Hoc Committee at its fourth session

Document symbol	*Title or description*
A/AC.254/4/Rev.3	Revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.1/Rev.1	Draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.3/Rev.2	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.7	Proposals and contributions received from Governments
A/AC.254/5/Add.8	Proposals and contributions received from Governments
A/AC.254/14	Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its third session, held in Vienna from 28 April to 3 May 1999
A/AC.254/15	Provisional annotated agenda and proposed organization of work
A/AC.254/16	Informal note by the United Nations High Commissioner for Human Rights
A/AC.254/L.28	France: revised draft of article 4 *ter*
A/AC.254/L.29	United States of America: revised draft of article 4 *ter*
A/AC.254/L.30	Italy: amendments to the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.31	Holy See: amendments to article 11 of the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.32 and Add.1	Holy See: amendments to the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.33	United States of America: amendments to article 10 (Extradition) and 14 (Mutual legal assistance) of the draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.34	Syrian Arab Republic: comments on the revised draft United Nations Convention against Transnational Organized Crime

A/AC.254/L.35	Belgium: comments on the draft international legal instrument against illegal trafficking in and transporting of migrants
A/AC.254/L.36	Slovakia: comments and proposals on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.37	Text of article 6 of the draft United Nations Convention against Transnational Organized Crime revised on the basis of the summary of the Chairman of the Ad Hoc Committee
A/AC.254/L.38	China: amendments to article 9 and article 14, paragraph 7, of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.39	Mexico: amendment to article 4 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.40	Amendments to the draft United Nations Convention against Transnational Organized Crime based on the summary of the Chairman of the Ad Hoc Committee
A/AC.254/L.41	New Zealand: comments on articles 4 *ter*, 5, 6, 9, 10 and 14 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.42	Canada: amendments to article 14 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.43	India: Amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.44	Mexico: amendments to article 14 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.45	Netherlands: amendments to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.46	Syrian Arab Republic: amendments to the draft international legal instrument against illegal trafficking in and transporting of migrants and to the draft international legal instrument against trafficking in women and children
A/AC.254/L.47	France and Sweden:* amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.48	Australia: amendments to the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.49	Libyan Arab Jamahiriya: amendments to article 14 of the revised draft United Nations Convention against Transnational Organized Crime

* Omitted erroneously from document A/AC.254/L.47.

A/AC.254/L.50	China: amendments to article 14 of the revised draft Un Nations Convention against Transnational Organized Cr
A/AC.254/L.51	China: amendments to the revised draft international le instrument against illegal trafficking in and transportin migrants
A/AC.254/L.52	China: amendments to the revised draft international le instrument against trafficking in women and children
A/AC.254/L.53	Draft report
A/AC.254/L.53/Add.1	Draft provisional agenda and proposed organization of w for the fifth session of the Ad Hoc Committee on Elaboration of a Convention against Transnational Organi Crime, to be held in Vienna from 4 to 15 October 1999
A/AC.254/L.53/Add.2	Revised draft United Nations Convention aga Transnational Organized Crime
A/AC.254/L.54	United States of America: amendments to the revised d international legal instrument against trafficking in wo and children
A/AC.254/L.55	Lithuania: comments on the revised draft international l instrument against illegal trafficking in and transportin migrants
A/AC.254/L.56	Lithuania: amendments to the revised draft international l instrument against trafficking in women and children
A/AC.254/L.57	Belgium: amendments to the revised draft international l instrument against trafficking in women and children
A/AC.254/L.58	India: amendments to the revised draft international l instrument against illegal trafficking in and transportin migrants
A/AC.254/L.59	Canada: amendments to the revised draft international l instrument against illegal trafficking in and transportin migrants
A/AC.254/L.60	Morocco: amendments to the revised draft international l instrument against illegal trafficking in and transportin migrants
A/AC.254/L.61	Mexico: amendments to the revised draft international l instrument against illegal trafficking in and transportin migrants
A/AC.254/L.62	Libyan Arab Jamahiriya: amendments to the revised international legal instrument against illegal traffickin and transporting of migrants
A/AC.254/L.63	Libyan Arab Jamahiriya: amendments to the revised international legal instrument against trafficking in wo and children
A/AC.254/L.64	China: amendments to article 10 of the revised draft U Nations Convention against Transnational Organized C

A/AC.254/L.65	India: amendments to the revised draft international legal instrument against trafficking in women and children
A/AC.254/CRP.13	Position paper on the draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, submitted by the Special Rapporteur on Violence against Women
A/AC.254/CRP.14	Note by the International Labour Organization on the additional legal instrument against trafficking in women and children
A/AC.254/CRP.15	Bangkok Accord and Plan of Action to Combat Trafficking in Women , adopted by the Regional Conference on Trafficking in Women, convened by the Economic and Social Commission for Asia and the Pacific in Bangkok on 3 and 4 November 1989
A/AC.254/CRP.16	Glossary of terms
A/AC.254/CRP.17	Draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: comments submitted by the United Nations Children's Fund
A/AC.254/CRP.18	Bangkok Declaration on Irregular Migration, adopted at the International Symposium on Migration, held in Bangkok from 21 to 23 April 1999
A/AC.254/CRP.19	Brief comments on the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime, by the Special Rapporteur on the sale of children, child prostitution and child pornography

United Nations A/AC.254/18

General Assembly

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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Fifth session
Vienna, 4-15 October 1999

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the fifth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19.
4. Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
5. Adoption of the report of the Ad Hoc Committee on its fifth session.

Annotations

1. Opening of the fifth session of the Ad Hoc Committee

The fifth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 4 October 1999, at 10 a.m.

V.99-87781 (E)

2. Adoption of the agenda and organization of work

The Ad Hoc Committee, at its fourth session, held in Vienna from 28 June to 9 July 1999, decided that at its fifth session it would focus on articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19, dealing with money-laundering, confiscation, extradition, mutual legal assistance, special investigative techniques, transfer of proceedings, establishment of criminal record, protection of witnesses and victims, and law enforcement cooperation. The Ad Hoc Committee, also at its fourth session, decided that it would defer to its fifth session its consideration of paragraphs 14-22 of article 14, on mutual legal assistance, and its consideration of article 10, on extradition, since there was insufficient time during the fourth session to consider those provisions of the draft United Nations Convention against Transnational Organized Crime. The Ad Hoc Committee also decided to devote three days at its fifth session to the consideration of the draft text of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. In addition, the Ad Hoc Committee at its fourth session approved the provisional agenda and proposed organization of work for its fifth session (A/AC.254/L.53 and Add.1).

The resources available to the Ad Hoc Committee at its fifth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The Ad Hoc Committee, at its fourth session, decided that in future informal consultation meetings should be organized in order to facilitate the implementation of its mandate. The holding of those meetings would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings, and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee. The Ad Hoc Committee requested its bureau, in consultation with the Secretariat, to explore the modalities of the organization of the informal consultations, to decide on the holding of such informal consultations at the fifth session of the Ad Hoc Committee, bearing in mind suggestions made by States at the fourth session, and to inform the members of the Ad Hoc Committee accordingly.

Pursuant to the above-mentioned request, the bureau of the Ad Hoc Committee held two meetings, on 19 July and 7 September 1999, to discuss the organization of the informal consultations. At its meeting on 7 September, the bureau, on the basis of proposals submitted to it by the Secretary of the Ad Hoc Committee, decided that the informal consultations at the fifth session would be devoted to issues related to the draft texts of the additional international legal instrument against illegal trafficking in and transporting of migrants, including by sea, and the additional international legal instrument against trafficking in persons, particularly women and children. The resources available to the Ad

Hoc Committee at its fifth session will permit the holding of eight parallel meetings of informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of the fifth session. Consequently, the bureau decided that the available meetings would be divided equally between the consideration of the above-mentioned draft international legal instruments. More specifically, informal consultations would be held in parallel with the meetings of the plenary of the Ad Hoc Committee from the afternoon of Monday, 4 October 1999, to the morning of Friday, 8 October 1999. The proposed organization of work contained in the annex to the present document provides more details on the informal consultations.

3. Consideration of the draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions. The Ad Hoc Committee also completed a first reading of articles 24-30 of the draft Convention. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8 of the draft Convention.

At its fourth session, the Ad Hoc Committee concluded a second reading of articles 4 *ter*, 5, 6, 9 and 14 (paragraphs 1-13). Also at its fourth session, the Ad Hoc Committee decided that at its fifth session it would proceed with a second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19. That decision was made on the understanding that, should the Ad Hoc Committee complete the consideration of those articles with time remaining at its fifth session, it would proceed to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the negotiation of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19 of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of article 20 and subsequent articles.

At its meeting on 7 September 1999, the bureau of the Ad Hoc Committee decided that the Ad Hoc Committee would begin its work at the fifth session with the second reading of articles 14 (paragraphs 14-22) and 10, and then proceed with the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter* and 15-19.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.4)

Proposals and contributions received from Governments (A/AC.254/5/Add.9)

4. Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

The General Assembly, in its resolution 53/111 of 9 December 1998, decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and

components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In the same resolution, the Assembly requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

The General Assembly, in its resolution 53/114 of 9 December 1998, called upon the Ad Hoc Committee to devote attention to the drafting of the main text of the convention against transnational organized crime, as well as, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

At its first session, the Ad Hoc Committee carried out a first reading of the draft international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. At its third session, the Ad Hoc Committee carried out a second reading of that draft international legal instrument. The proposals and comments by Governments have been incorporated in a revised version of that instrument (A/AC.254/4/Add.2/Rev.2), which will form the basis for the consideration of the matter by the Ad Hoc Committee at its fifth session.

Documentation

Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.2)

Proposals and contributions received from Governments (A/AC.254/5/Add.10)

Background documents

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/AC.254/CRP.1)

Report on the international seminar on illicit manufacturing of and trafficking in firearms, held in Tokyo from 9 to 10 June 1999 (A/AC.254/CRP.20)

5. Adoption of the report of the Ad Hoc Committee on its fifth session

The Ad Hoc Committee is to adopt a report on its fifth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the fifth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 4 to 15 October 1999

Plenary

Date	*Time*	*Agenda item*	*Title or description*
Monday, 4 October	10 a.m.-1 p.m.	1	Opening of the fifth session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19
	3-6 p.m.	3	Continuation of the discussion
Tuesday, 5 October-Tuesday, 12 October	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
Wednesday, 13 October	10 a.m.-1 p.m. and 3-6 p.m.	4	Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition
Thursday, 14 October	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation of the discussion
Friday, 15 October	10 a.m.-1 p.m.	4	Continuation of the discussion
	3-6 p.m.	4	Continuation and conclusion of the discussion
		5	Consideration and adoption of the report of the Ad Hoc Committee on its fifth session

Informal consultations

Date	*Time*	*Description*
Monday, 4 October	3-6 p.m.	Informal consultations on the draft text of the additional international legal instrument against illegal trafficking in and transporting of migrants, including by sea
Tuesday, 5 October	10 a.m.-1 p.m. and 3-6 p.m.	Continuation of the informal consultations on the draft international legal instrument against illegal trafficking in and transporting of migrants, including by sea
Wednesday, 6 October	10 a.m.-1 p.m.	Continuation and conclusion of the informal consultations on the draft international legal instrument against illegal trafficking in and transporting of migrants, including by sea
	3-6 p.m.	Informal consultations on the draft text of the additional international legal instrument against trafficking in persons, in particular women and children
Thursday, 7 October	10 a.m.-1 p.m. and 3-6 p.m.	Continuation of the informal consultations on the draft international legal instrument against trafficking in persons, in particular women and children
Friday, 8 October	10 a.m.-1 p.m.	Continuation and conclusion of the informal consultations on the draft international legal instrument against trafficking in persons, in particular women and children

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Sixth session
Vienna, 6-17 December 1999

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its fifth session, held in Vienna from 4 to 15 October 1999

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V.99-89570 (E)

I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998. In its resolution 53/114, also of 9 December 1998, the Assembly called upon the Ad Hoc Committee to devote attention to the drafting of the main text of the Convention, as well as, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

II. Organization of the session

A. Opening of the session

2. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its fifth session in Vienna from 4 to 15 October 1999. The Ad Hoc Committee held 20 meetings.

3. At its fourth session, held in Vienna from 28 June to 9 July 1999, the Ad Hoc Committee had decided to consider at its fifth session articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19 of the revised draft United Nations Convention against Transnational Organized Crime, as well as to continue its reading of the international legal instrument on combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

4. After the opening of the fifth session of the Ad Hoc Committee by its Chairman, the Secretary noted that the Ad Hoc Committee had requested the Secretariat to prepare an analytical study on provisions of national laws relevant to the draft Convention concerning offences punishable by deprivation of liberty, with an indication of the number of years of imprisonment. The study was to be based on information solicited from Member States. The Secretary also noted that 42 States had provided information, enabling the Secretariat to prepare the study. Though it was almost complete, the study still needed to undergo refinement. Because of the demands placed on translation services in preparing the documentation for the fifth session of the Ad Hoc Committee, however, the Secretariat had decided to submit the study for processing and translation after the fifth session.

5. The Secretary noted that access to the optical disk system had been provided to delegations so that they could obtain documents at will, thus reducing the need for and cost of hard copies of the documents.

6. The Secretary also noted that the glossary of terms used in the draft Convention had been made available in all official languages of the United Nations (A/AC.254/CRP.16 and Add.1). He noted that, at the fourth session of the Ad Hoc Committee, he had requested delegations to provide comments regarding the accuracy and consistency of the terms included in the glossary. Only one delegation had provided such comments. The Secretary strongly urged other delegations to make comments on the glossary.

7. The Secretary noted that many least developed countries were represented at the fifth session of the Ad Hoc Committee, as had been the case at the fourth session. The participation of those representatives at the fifth session had been made possible by financial contributions from the Governments of Austria, Japan, Norway, Poland and the United States of America.

8. The Ad Hoc Committee expressed its appreciation for the efforts of the Secretariat and, in particular, its Secretary to ensure the smooth servicing of its sessions.

9. Prior to opening the debate on the draft Convention, the Chairman announced the division of labour between the Vice-Chairmen that had been agreed upon by the bureau of the Ad Hoc Committee at its meeting on 7 September 1999.

10. The representative of Ecuador made a statement on behalf of the Group of Latin American and Caribbean States. He stressed that, while the members of the Group would continue to give their full support to the work of the Ad Hoc Committee, their ability to participate in the informal meetings of the Ad Hoc Committee was limited. The Ad Hoc Committee was the only body empowered to advance the negotiations on the draft Convention and its draft protocols; therefore, any parallel meetings were only of an informal nature. The representatives of Costa Rica and Mexico noted that the informal meetings should not deal with any new topics. The Chairman confirmed that that was his understanding.

B. Attendance

11. The fifth session of the Ad Hoc Committee was attended by representatives of 114 States. Also attending the fifth session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Adoption of the agenda and organization of work

12. At its 57th meeting, on 4 October 1999, the Ad Hoc Committee adopted the following agenda for its fifth session:

1. Opening of the fifth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22) and 15-19.
4. Consideration of the additional international legal instrument on combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
5. Adoption of the report of the Ad Hoc Committee on its fifth session.

D. Documentation

13. At its fifth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Australia, Austria, Belgium, Canada, China, Colombia, Finland, France, the Holy See, India, Italy, Japan, Kuwait, the Libyan Arab Jamahiriya, Lithuania, Mexico, Morocco, the Netherlands, New Zealand, Poland, Slovakia, Sweden, the Syrian Arab Republic, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. A list of documents is contained in annex II to the present report.

III. Discussion on the draft Convention

14. The Ad Hoc Committee based its work on a document containing the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.4) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.7-9, A/AC.254/L.66 and Corr.1, A/AC.254/L.69, A/AC.254/L.72-75, A/AC.254/L.79-81, A/AC.254/L.87-91 and A/AC.254/CRP.21). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention produced by informal groups, either at the request of the Chairman or based on the Chairman's summaries (A/AC.254/L.82, A/AC.254/L.83 and A/AC.254/L.92).

15. At its 57th to 70th meetings, the Ad Hoc Committee discussed articles 14 (paragraphs 14-22), 10, 4, 4 *bis*, 7, 7 *bis*, 7 *ter* and 15-19 of the draft Convention. In continuing its second reading of the draft Convention and in accordance with the request of its Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect, to the extent possible, the points of convergence and would form the basis for further drafting. The new version of those articles was included in document A/AC.254/L.85/Add.3. The progress achieved by the Ad Hoc Committee at its fifth session will be reflected in a new version of the draft Convention.[1]

IV. Discussion on the additional international legal instrument on combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

16. At its 71st to 76th meetings, the Ad Hoc Committee discussed the additional international legal instrument on combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It based its work on a document containing the revised draft Protocol against the Illicit Manufacturing of and

[1] To be issued subsequently as document A/AC.254/4/Rev.5.

Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.2) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.10, A/AC.254/L.67-68, A/AC.254/L.70, A/AC.254/L.78, A/AC.254/L.84, A/AC.254/L.86, A/AC.254/L.93-95 and AAC.254/CRP.22).

17. At its first and third sessions, held in Vienna from 19 to 29 January 1999 and from 28 April to 3 May 1999, the Ad Hoc Committee had carried out a first reading of the above-mentioned draft Protocol. At its fifth session, it carried out a second reading of articles II-V and VIII of the revised draft text. The progress achieved by the Ad Hoc Committee will be reflected in a new version of the draft Protocol.[2]

V. Informal consultations

18. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultation meetings should be organized in order to facilitate the implementation of its mandate. The holding of those meetings would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

19. At its meeting on 7 September 1999, the bureau of the Ad Hoc Committee, on the basis of proposals submitted to it by the Secretary, decided that the informal consultations at the fifth session of the Ad Hoc Committee would be devoted to issues related to the texts of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime, and the revised draft Protocol to Prevent Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. At the fifth session of the Ad Hoc Committee, informal consultations were held in parallel with the meetings of the plenary of the Ad Hoc Committee from 4 to 8 October 1999. The documents available to the Ad Hoc Committee for its informal consultations were A/AC.254/4/Add.1/Rev.2, A/AC.254/4/Add.3/Rev.3, A/AC.254/5/Add.11, A/AC.254/5/Add.12 and Corr.1, A/AC.254/5/Add.13, A/AC.254/L.71, A/AC.254/L.76 and A/AC.254/L.77. Summaries of those informal consultations were provided in document A/AC.254/L.85/Add.2.[3]

VI. Adoption of the report of the Ad Hoc Committee on its fifth session

20. At its 72nd meeting, on 13 October 1999, the Ad Hoc Committee adopted the report on its fifth session (A/AC.254/L.85).

21. At its 75th meeting, on 15 October 1999, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its sixth session, to be held in Vienna from 6 to 17 December 1999 (A/AC.254/L.85/Add.1).[4]

[2] To be issued subsequently as document A/AC.254/4/Add.2/Rev.3.

[3] To be issued subsequently as document A/AC.254/19/Add.1.

[4] To be issued subsequently as document A/AC.254/20.

Annex I

List of participants

States

Afghanistan	Farid A. Amin
Algeria	Mokhtar Reguieg, Salah Francis El-Hamdi, Linda Briza
Angola	Astrigildo João Pedro Culolo, Pereira Mendonça, Valmiro Verdades, Jose L. N. Bravo Costa
Argentina	Juan Carlos Kreckler, Gustavo De Paoli, Daniel Amigo, Martin Recondo, Jorge Saénz
Australia	Steven Marshall, Annette Willing, Helen Stylianou
Austria	Irene Freudenschuss-Reichl, Fritz Zeder, Ulrike Kathrein, Wolfgang Pekel, Heinz Drobesch, Walter Grosinger, Karl Hutter, Matthias Vogel, Gregor Schusterschitz, Christian Ebner, Gerhard Doujak, Elisabeth Marschang, Stefan Benner, Wolfgang Gschliffner
Azerbaijan	Vaqif Sadiquov, Faud Ismayilov, Zaver Kafarov
Bangladesh	Ismat Jahan, Syed Abdus Samao
Belarus	Valyantsin Fisenka, Olga Zvereva
Belgium	Michel Adam, Peter Huyghebaert, J. S. Jamart, Wouter Boucique, W. De Meyer
Benin	Thierry Damase Ogoubi, Antoine Gouhouede
Bolivia	Jaime Niño de Guzmán, Alejandro Mansilla, Maria Lourdes Espinoza Patiño
Botswana	Kenny Kapinga
Brazil	Elizabeth Sussekind, Manuel Antonio Gomes Pereira, José Jorge Alcazar Almeida
Brunei Darussalam	Mohammad Yusree Junaidi
Bulgaria	Ivan Nayenov, Traiko Spasov
Burkina Faso	Thomas Sanon, Lazare Gansonre, Thomas Dakoure, Jean Bado, Hermann Marie Omer Traore
Burundi	Anatole Nizigiyimana
Cameroon	Egbe Achuo Hillmann, Bisseck Raphael, Tehane Levi, Eheth Salomon, Enama Atangana, Ela Emmanuel Thierry, Ndimba Wenceslas De Boheme
Canada	Keith Morrill, Alan Morgan, Robert Sinclair, Jim Hayes, Jeannette Ackroyd, Karen Kastner, Murray Smith, Fermo Stefanelli, Debra Normoyle, Keith Bell, Kim Prost

Cape Verde	Vanda Cruz
Chad	Algadi Atim Moussa
Chile	Osvaldo Puccio, José Luis Balmaceda, Héctor Muñoz, Rosa Meléndez, Patricio Powell
China	Liu Yinghai, Sun Ang, Zhai Jinrong, Bai Ping, Zhai Xiaoyun, Wu Haiwen, Niu Jianrong, Zhang Shen, Wu Haitao
Colombia	Hector Charry Samper, Jorge Anibal Gómez, Graciela Uribe de Lozano, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina, Juliana Bustamante
Comoros	Idarousse Mohamed
Costa Rica	Bienvenido Venegas Porras, Stella Avıram Neuman, Oscar Acuna
Croatia	Mario Nobilo, Ranko Vilović, Željko Horvatić, Zoran Nekić, Marijana Kujundžic
Cuba	Luis Garcia Peraza, Pablo A. Rodriguez Vidal, Aurora Gramatges Lopez
Cyprus	Nicolaos D. Macris, Eva Papakyriakou, Elena Kleopa, Antonios Theocharous
Czech Republic	Tomáš Bufil, Jan Kohout, Pavel Šturma
Denmark	Gitte Hundahl, Ingeborg Gade, Carsten Kristain Volmer, Lise Puggard, Ole I. Rasmussen, Axel Herlov, Jan Torp Hansen, Carsten Krogh, Rikke Schaumann
Ecuador	Patricio Palacios, Franklin Chavez
Egypt	Ibrahim Khairat, Iskandar Ghattas, Abd El-Azim Wazir, Hisham Ahmed Sorour, Yasser Sayed El-Atawy
El Salvador	Fritz Dennery
Finland	Tom Grönberg, Jaakko Halttunen, Matti Joutsen, Tomi Vuori, Pertti Normia, Jouni Välkki, Kari Eskola, Camilla Busck-Nielsen, Pia Rantala
France	Bérengère Quincy, Philippe Delacroix, Catherine Thony, Patrick Deunet, Oliver de Baynast, Eric Ruelle, Anne Delahaie, Michel Quille, Bruno Savoye, Anne-Sylvie Delouvrier, Delphine Lida, Francois-Xavier Bourges, Alain Damais, Dominique Gaillardot, C. G. A. De Jenlis
Gambia	Saniyang M. K. Jobarteh
Georgia	Levan, Mikeladze, Giorgi Gomiashvili, Zurab Chapidze, Nikoloz Rtveliashvili
Germany	Karl Borchard, Michael Grotz, Hans Peter Plischka, Thomas Fitschen, Michael Rahmann, Joachim Ziegler, Albrecht Volkwein, Alexander Bollongino, Klaus-Peter Holz, Michael Streit, Karin Schramm
Greece	Konstantinos Matzoukas, Ekaterini Fountoulaki, Petros Eleftheriadis, Theocharis Ioannou

Guatemala	Federico Urruela Prado, Fernando Sesenna Olivero, Sylvia Wohlers de Mieie, Ricardo Diaz-Duque
Guinea	Cyrille Conde
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Sweden	Örjan Landelius, Johanna Peyron, Susanne Karlsson, Erika Hemtke, Häkan Öberg
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Syrian Arab Republic	Jawdat Nabouti, Abboud Al- Sarraj, Jamal Satim, Abboud Al-Sarraj, Sobhi Salloum, Jamal Al-Satim
Thailand	Sorayouth Prompoj, Ruangsit Tankarnjananurak, Wanchai Roujanavong, Piyawat Niyomrerks, Morakot Sriswasdi
The former Yugoslav Republic of Macedonia	Ognen Maleski, Margarita Trajkova, Ruzica Zanteva Angelova
Togo	Joachim Bénivi Beni-Locco
Tunisia	Abdelaziz Chaabane, Amor Ben Mansour, Emma Lazoughli, Mohamed Gafsi, Nabil Ammar, Sabri Chaabani
Turkey	Yasar Yakis, Abdülkadir Kaya, A. Asim Arar, M. Aydin Özbay, Macide Erdener, Banu Okumus
Ukraine	Volodymr Ohrysko, Yevgen Strekalov, Rostyslaw Tronenko, Viktoria Kuvshynnykova
United Arab Emirates	Abdul Rahim Yousif Al Awadi, Mohammed Mahmoud Al Kamali, Abdulrahim Mohamed Sinkais Al Awadi

United Kingdom of Great Britain and Northern Ireland	John Freeman, Richard Bradley, Mark Etherton, Peter Storr, Paul McKell, Peter Vallance, Neil Clowes, David Wilson, Graham Widdecombe, Michael Hallowes, Doug Dalziel, Alison Dick, David Lusher, Robert Butlin
United States of America	Rob Boone, Mary Ellen Warlow, Jeffrey A. Breinholt, Jeffrey Bullwinkel, Thomas N. Burrows, Mary Helen Carlson, Kenneth Croke, Nan Donnells, Teresa Ficaretta, Mark Fleming, Daniel Glaser, Kenneth Harris, Kenneth Keller, Bess Michael, Enrique Perez, Kenneth Propp, James Puleo, Linda Samuel, Pierre St. Hilaire, Laura E. Kennedy, Kathleen W. Barmon, Herbert S. Traub
Uruguay	Jorge Tálice, Fructuoso Pittaluga-Fonseca, Gustavo Alvarez Goyoaga, Elena Fajardo
Uzbekistan	Gulomjon Yuldashev, Lina Khachaturova
Venezuela	Fidel Garofalo, Kidder Salazar
Yemen	Hassan M. Makki, Abdul Qader Qahtan, Nageeb Ismail Ali
Zambia	J. C. Kasongo, Solomon Jere
Zimbabwe	Evelyn Kawonza, Dave C. Blake, Phelekezela Mphoko, P. J. Banda

Entities represented by observers

Palestine

United Nations Secretariat units

Economic Commission for Europe, Office for Drug Control and Crime Prevention

United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Institute of Higher Studies in Criminal Sciences

Specialized agencies and other organizations of the United Nations system

United Nations Educational, Scientific and Cultural Organization

Other intergovernmental organizations

Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council, European Commission, European Police Office, Financial Action Task Force on Money Laundering, International Centre for Migration Policy Development, International Criminal Police Organization, Organization for Security and Cooperation in Europe, Organization of the Islamic Conference, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status

Global 2000, International Abolitionist Federation, International Council of Women, Soroptimist International, Zonta International

Special consultative status

Asia Crime Prevention Foundation, Caritas Internationalis (International Confederation of Catholic Charities), Defence for Children International Movement, International Alert, International Association of Judges, International Association of Juvenile and Family Court Magistrates, International Association of Penal Law, International Club for Peace Research, International Council on Alcohol and Addictions, International Federation of University Women, International Federation of Women in Legal Careers, International Human Rights Law Group, Italian Centre of Solidarity, Japan Federation of Bar Associations, Mediterranean Women's Studies Institute, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, World Council of Independent Christian Churches

Roster

Movement against Racism and for Friendship among Peoples, National Rifle Association of America/Institute for Legislative Action, Sporting Shooters Association of Australia, Verification Technology Information Centre

Annex II

List of documents before the Ad Hoc Committee at its fifth session

Document symbol	*Title or description*
A/AC.254/4/Rev.4	Revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.1/Rev.2	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.2/Rev.2	Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.3/Rev.3	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.9	Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.10	Proposals and contributions received from Governments on the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.11	Proposals and contributions received from Governments on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.12 and Corr.1	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.13	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

Document symbol	*Title or description*
A/AC.254/17	Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its fourth session, held in Vienna from 28 June to 9 July 1999
A/AC.254/18	Annotated provisional agenda and proposed organization of work
A/AC.254/L.66 and Corr.1	Syrian Arab Republic: comments on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.67	Syrian Arab Republic: amendments to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.68	Japan: report of the Chairman of the International Seminar on Illicit Manufacturing of and Trafficking in Firearms, held in Tokyo from 9 to 10 June 1999
A/AC.254/L.69	Netherlands: comments on article 4 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.70	Netherlands: amendments to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.71	Austria and Italy: amendments to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.72	Australia, France and Sweden: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.73	Kuwait: amendments to article 4 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.74	United States of America: amendment to article 4 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.75	Japan: amendments to article 10 of the revised draft United Nations Convention against Transnational Organized Crime

Document symbol	*Title or description*
A/AC.254/L.76	Canada and United States of America: amendment to article 4 of the revised draft Protocol against Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.77	France: amendment to article 4 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.78	China: comments and proposals on the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.79	China: amendments to articles 7 *ter* and 15 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.80	Ukraine: amendments to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.81	Poland: amendments to article 19 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.82	Report of the informal group convened to review the alternative proposals for article 10, paragraph 9 *(a)*, of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.83	Report of the informal group convened to review options 1 and 2 of article 4 *bis* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.84	United States of America: amendments to articles V and XVIII *bis* of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.85	Draft report of the Ad Hoc Committee on its fifth session (4-15 October 1999)
A/AC.254/L.85/Add.1	Draft provisional agenda and proposed organization of work for the sixth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 6 to 17 December 1999

Document symbol	*Title or description*
A/AC.254/L.85/Add.2	Report of the informal consultations on the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime, and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.85/Add.3	Articles 4, 4 *bis*, 7, 7 *ter*, 10, 10 *bis*, 14, 14 *bis*, 15-17, 17 *bis*, 18, 18 *bis*, 18 *ter* and 19 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.86	Japan: Chairman's report of the Vienna Technical Session on the Firearms Protocol, held on 11 and 12 October 1999
A/AC.254/L.87	United States of America: amendments to article 4 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.88	Finland: amendment to article 19 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.89	China and Mexico: amendment to article 15 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.90	Argentina: amendments to article 7 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.91	United States of America: amendment to article 19 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.92	Report of the informal group convened to review alternative proposals for article 15, paragraph 1, of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.93	United Kingdom of Great Britain and Northern Ireland: amendments to article X of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.94	Japan: amendments to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime

Document symbol	*Title or description*
A/AC.254/L.95	Italy: amendment to article II of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/CRP.16/Add.1	Glossary of terms: articles 20-30 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/CRP.20	Japan: Chairman's report on the International Seminar on Illicit Manufacturing of and Trafficking in Firearms, held in Tokyo from 9 to 20 June 1999
A/AC.254/CRP.21	Colombia: statutory provisions relating to articles 4 *bis* and 8 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/CRP.22	Finland: paper on the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime

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Vienna, 6-17 December 1999

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its fifth session, held in Vienna from 4 to 15 October 1999

Addendum

Report of the informal consultations on the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime, and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

Informal consultations on the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime

1. At the informal consultations on the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime, held from 4 to 6 October 1999, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime discussed articles 2-4 of the revised version of the draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.2). The discussion of articles 5 and 6 of the draft Protocol

was postponed pending the discussion of the parts of the draft Convention relating to the subjects dealt with in those articles. The Ad Hoc Committee welcomed the non-paper submitted by Austria and Italy (A/AC.254/L.71) and suggested that the practice of submitting non-papers should be followed for future informal consultations.

2. The observations and suggestions made during the informal consultations will be reflected in a revised version of the draft Protocol.[1]

Article 2: Definitions

3. The discussion of article 2, subparagraph 1 (a), focused on whether the words "illegal residence" and "profit" should be deleted or retained. If those words were deleted from the text, subparagraphs (c) and (d) of paragraph 1 would also have to be deleted.

4. With regard to subparagraph 1 (b), there were three positions concerning the words "illegal entry". The delegation of Mexico suggested replacing the words "illegal entry" with the words "irregular or non-documented entry". The delegation of the United States of America suggested replacing the word "illegal" with the word "irregular", while other delegations expressed their concern that the word "irregular" did not cover all forms of "illegal" conduct. The delegation of Japan expressed its concern that the scope of criminalization would not be clear under either option.

5. The discussion of subparagraphs 1 (e) and (g) was postponed.

6. There was convergence of views regarding subparagraph 1 (f); however, some delegations expressed concern about the exact meaning of the term "vehicle".

7. With regard to paragraph 2, several delegations proposed to discuss the paragraph later, when article 4, on criminalization, and article 6, on jurisdiction, were discussed, or to move the paragraph to those articles. The Chairman requested the delegation of Austria to propose new language for paragraph 2 of article 2 for discussion by the Ad Hoc Committee.

Article 3: Purpose

8. The discussion of article 3 focused on whether to remove the brackets from subparagraph (a). It was decided to retain the brackets and to add the following text, as proposed by the United States: "when involving an organized criminal group as defined in the Convention".

9. Regarding subparagraph (b) of article 3, some delegations preferred to add the words "as well as to protect the victims of such smuggling, including their human rights", while others were of the view that human rights should be covered in article 5. The delegation of the Netherlands proposed to add the phrase "while protecting their human rights" as a compromise solution.

Article 4: Criminalization

10. With regard to article 4, paragraph 1, many delegations agreed on the proposal submitted by Canada and the United States (A/AC.254/L.76), except for certain wording such as "international travel" in subparagraph (b) (i), "possessing" and "involved" in subparagraph (b) (ii) and "acting on" in subparagraph (b) (iii). In addition, there was a

[1] To be issued subsequently as document A/AC.254/4/Add.1/Rev.3.

discussion on whether the words "organized criminal group" should be in brackets. Some delegations preferred a proposal by the Russian Federation that read "States Parties that have not yet done so shall adopt the necessary legislation or other measures to establish as criminal offences the activities of organized criminal groups relating to the organization, procuring and actual effectuation of the smuggling of migrants", while the delegation of Mexico strongly suggested retaining paragraph 1 of option 1 of article 4.

11. With regard to paragraph 3, there was a convergence of views on subparagraphs (a), (b) and (c). Many delegations were of the view that subparagraph (d) needed to be clarified.

12. There was no objection to paragraph 4.

13. With regard to paragraph 5 (and 6), most delegations preferred option 2, while the delegation of the Syrian Arab Republic strongly suggested adding the words "and smuggling of" after the word "treatment" in subparagraph 5 (b) of option 2.

14. Regarding paragraph 7, many delegations stated that migrants were victims. Although other delegations did not agree, there was consensus that migrants should not be criminalized for being smuggled. Some delegations supported the proposals submitted by France (A/AC.254/L.77), while other delegations expressed concern about the clarity of the wording and the concept of that proposal. Some delegations expressed support for the proposal submitted by Canada (A/AC.254/L.59). Many delegations were of the view that the Protocol dealt with traffickers, instead of dealing with individual smuggled migrants. According to the delegation of the Netherlands, the best way to avoid parts of the Protocol unintendedly covering smuggled migrants was not by excluding migrants from the criminalization provision, but by excluding them in a more general sense from the scope of application of the Protocol. At the request of the Chairman, the delegation of the Netherlands and some other delegations undertook to draft a proposal in that sense, to be submitted for discussion at the sixth session of the Ad Hoc Committee.

15. Some delegations supported a proposal submitted by Morocco (A/AC.254/L.60), in which new text was introduced as paragraph 8 of article 4 or a new article 4 *bis*. Others opposed the proposal.

Informal consultations on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

16. In informal consultations held from 6 to 8 October 1999, the Ad Hoc Committee at its fifth session discussed the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.3).

17. Articles 1 and 2 of the draft Protocol were discussed. It was agreed to add new article 2 *bis*, on definitions. Consensus was reached on deferring the discussion on article 3 until the discussion on articles 2 and 2 *bis* had been concluded. The majority supported recommending to the plenary the use of a proposal made by Belgium, Poland and the United States to restructure the draft Protocol (A/AC.254/5/Add.13) as a basis for further discussion of the draft Protocol.

18. The observations and suggestions made during the informal consultations will be reflected in a revised version of the draft Protocol.[2]

Article 1: Purpose

19. Option 1 was considered preferable as the basis for discussion, although some delegations expressed the view that the first paragraphs of the two options should be merged. Consensus was reached on inserting the word "particularly" in front of the words "for the purpose of" in order to broaden the purpose of the Protocol, so that it would be applicable to forms of exploitation other than forced labour or sexual exploitation.

20. There were several suggestions to replace the word "punish" with the word "prosecute" or "combat", or, alternatively, to add the word "prosecute" before the word "punish".

21. The discussion of article 1, paragraph 2, was postponed until the rest of the draft Protocol was discussed.

Article 2: Scope of application

22. Consensus was reached on using option 1 of article 2 as the basis for discussion. There was no comment on paragraph 1.

23. Regarding paragraph 2, it was agreed to replace the phrase "for the purpose of sexual exploitation or forced labour" with the phrase "with the aim of submitting them to any form of exploitation, as specified in article [...]", which would be put in brackets. The delegation of Japan proposed to replace the phrase "for the purpose of sexual exploitation or forced labour" with the phrase "for the purpose of profit by sexual exploitation or forced labour". However, some delegations pointed out that this phrase should be refined in order to be clearer.

24. It was agreed to replace the word "kidnapping" with the word "abduction" and to insert the word "international" in brackets before the word "trafficking". Some delegations suggested that the term "international trafficking" should be defined. A number of delegations wished to consider further what sort of international nexus should be required in order to trigger application of the Protocol, noting that this complex question was still being addressed in connection with the draft United Nations Convention against Transnational Organized Crime.

25. Furthermore, it was agreed to add footnotes on the following:

(a) The suggestion to move the definition of "trafficking in persons" to new article 2 *bis*, on definitions;

(b) The suggestion to add the words "especially women and children" after the word "persons" every time it appeared in the text, as indicated in footnote 2 of the draft Protocol contained in document A/AC.254/4/Add.3/Rev.3;

(c) The suggestion by some delegations to insert the words "debt bondage" in the text.

26. Regarding paragraph 3 of article 2, consensus was reached on replacing the phrase "under the age of consent in the jurisdiction where the offence occurs" with the phrase "under eighteen years of age".

[2] To be issued subsequently as document A/AC.254/4/Add.3/Rev.4.

27. As the majority of the delegations had expressed the view that the scope of paragraph 3 should not be limited to "sexual exploitation", it was agreed that the words "sexual exploitation" would be placed in brackets, to be changed at a later stage. However, some delegations expressed concern that an open-ended phrase might give rise to some problems in relation to the obligation of States regarding criminalization.

Article 2 bis: Definitions

28. It was agreed to use the proposal submitted by the United States (A/AC.254/L.54) as the basis for the discussion on definitions. In addition, the Chairman requested the delegation of the Netherlands to submit its proposal to replace the phrase "sexual exploitation" and its definition with a broader definition of slavery for discussion at the sixth session of the Ad Hoc Committee.

"Sexual exploitation"

29. Regarding the definition of "sexual exploitation", consensus was reached on replacing the word "voluntarily" with the words "with free and informed consent" in subparagraph (a).

30. Also in subparagraph (a), it was decided to place the word "forced" in brackets before the word "prostitution", with a footnote explaining that there were opposing views on whether the word "forced" should be included.

31. Regarding subparagraph (b), it was agreed to replace the words "participation in the production of pornographic materials" with the words "use of a child in pornography".

32. It was also agreed to insert a footnote on the suggestion to include "paedophilia" in the definition of "sexual exploitation", making reference to the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Alternatively, the delegation suggested it could be included in a definition of "sexual servitude".

"Forced labour"

33. Regarding the definition of "forced labour", the majority of delegations suggested inserting the phrase "for the purpose of this Protocol" at the beginning of the sentence.

34. It was agreed to place the words "or coercion" in brackets after the words "use of force" and to add a footnote indicating that several delegations had expressed the desire to consider the wording further.

Suggestions concerning other terms

35. The majority of delegations suggested keeping the definitions general, defining the term "trafficking in persons" rather than the term "trafficking in children" or the term "trafficking in women". It was suggested by several delegations that the more specific terms could be defined at a later stage, if necessary.

36. Several delegations suggested defining the term "child" in this article. Delegations were invited to suggest additional definitions to be included in this article.

United Nations A/AC.254/20

General Assembly

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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Sixth session
Vienna, 6-17 December 1999

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the sixth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the additional international legal instruments:
   (a) Draft instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19;
   (b) Draft instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18.
4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 *ter*, 17 *bis* and 20-30.
5. Adoption of the report of the Ad Hoc Committee on its sixth session.

Annotations

1. Opening of the sixth session of the Ad Hoc Committee

The sixth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 6 December 1999, at 10 a.m.

V.99-89128 (E)

2. Adoption of the agenda and organization of work

The Ad Hoc Committee at its fifth session, held in Vienna from 4 to 15 October 1999, approved the provisional agenda and proposed organization of work for its sixth session (A/AC.254/L.85/Add.1). The Ad Hoc Committee decided that at its sixth session it would devote two days to the consideration of the draft instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19, and three days to the consideration of the draft instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18.

The Ad Hoc Committee also decided that at its sixth session it would focus on certain articles of the revised draft United Nations Convention against Transnational Organized Crime, namely articles 4 *ter*, 17 *bis* and 20-30, dealing with measures against corruption, bribery of witnesses and intimidation of witnesses and officials, collection and exchange of information on organized crime, training and technical assistance, prevention at the national and international levels, mechanism for monitoring the implementation of the Convention and final provisions.

The resources available to the Ad Hoc Committee at its sixth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the sixth session of the Ad Hoc Committee.

3. Consideration of the additional international legal instruments

(a) Draft instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19

(b) Draft instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18

The General Assembly, in its resolution 53/111 of 9 December 1998, decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In the same resolution, the Assembly requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

The General Assembly, in its resolution 53/114 of 9 December 1998, called upon the Ad Hoc Committee to devote attention to the drafting of the main text of the convention against transnational organized crime, as well as, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

At its first session, the Ad Hoc Committee carried out a first reading of the draft instrument against illegal trafficking in and transporting of migrants. At its fourth session, the Ad Hoc Committee began the second reading of that draft instrument. At its second and

fourth sessions, the Ad Hoc Committee carried out a first reading of articles 1-7 of the draft instrument against trafficking in persons, especially women and children. At the informal consultations held at its fifth session, the Ad Hoc Committee discussed several aspects of the above-mentioned draft instruments. The proposals and comments of delegations, as well as the observations made during the informal consultations held at the fifth session of the Ad Hoc Committee, will be incorporated into revised versions of those draft instruments (the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.3) and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.4)), which will form the basis for further work by the Ad Hoc Committee at its sixth session.

Documentation

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing to the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.3)

Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.4)

Background documents

Inter-American Convention on International Traffic in Minors (A/AC.254/CRP.2)

International Maritime Organization circular on interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea (A/AC.254/CRP.3)

4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 *ter*, 17 *bis* and 20-30

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions. The Ad Hoc Committee also completed a first reading of articles 24-30 of the draft Convention. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8 of the draft Convention. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paragraphs 1-13). At its fifth session, the Ad Hoc Committee concluded a second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paragraphs 14-22), 15-17 and 18-19.

Also at its fifth session, the Ad Hoc Committee decided that at its sixth session it would proceed with a second reading of articles 4 *ter*, 17 *bis* and 20-30 of the draft Convention. That decision was made on the understanding that, should the Ad Hoc Committee complete the consideration of those articles with time remaining at its sixth session, it would proceed to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the negotiation of articles 4 *ter*, 17 *bis* and 20-30 of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of articles 1-3 and subsequent articles.

Informal consultations

The Ad Hoc Committee, at its fourth session, decided that in future informal consultation meetings should be organized in order to facilitate the implementation of its mandate. The holding of those meetings would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings, and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

The resources available to the Ad Hoc Committee at its fifth session permitted the holding of eight parallel meetings of informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of that session. Those informal consultations were devoted to consideration of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The resources available to the Ad Hoc Committee at its sixth session will permit the holding of eight parallel meetings of informal consultations from Tuesday, 7 December, to Friday, 10 December 1999. At its fifth session, the Ad Hoc Committee decided that the informal consultations at its sixth session should focus on the common provisions of the draft Convention and its draft protocols and on articles 4 *ter* and 17 *bis* of the draft Convention.

The proposed organization of work of the informal consultations at the sixth session of the Ad Hoc Committee is contained in the annex to the present document.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.5)

Proposals and contributions received from Governments (A/AC.254/5/Add.14)

Note by the Secretariat on the common provisions of the revised draft United Nations Convention against Transnational Organized Crime and its revised draft protocols (A/AC.254/21)

5. Adoption of the report of the Ad Hoc Committee on its sixth session

The Ad Hoc Committee is to adopt a report on its sixth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the sixth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 6 to 17 December 1999

Proposed organization of work of the plenary and informal consultations

Date	*Time*	*Item*	*Plenary*
Monday, 6 December	10 a.m.-1 p.m.	1	Opening of the sixth session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3 (a)	Consideration of the draft instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19
	3-6 p.m.	3 (a)	Continuation of the discussion
Tuesday, 7 December	10 a.m.-1 p.m. and 3-6 p.m.	3 (a)	Continuation and conclusion of the discussion
Wednesday, 8 December	10 a.m.-1 p.m. and 3-6 p.m.	3 (b)	Consideration of the draft instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18
Thursday, 9 December	10 a.m.-1 p.m and 3-6 p.m.	3 (b)	Continuation of the discussion
Friday, 10 December	10 a.m.-1 p.m. and 3-6 p.m.	3 (b)	Continuation and conclusion of the discussion
Monday, 13 December	10 a.m.-1 p.m and 3-6 p.m.	4	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 *ter*, 17 *bis* and 20-30

Date	*Time*	*Item*	*Plenary*
Tuesday, 14 December-Friday, 17 December	10 a.m.-1 p.m and 3-6 p.m.	4	Continuation and conclusion of the discussion
		5	Consideration and adoption of the report of the Ad Hoc Committee on its sixth session

Date	*Time*	*Informal consultations*
Tuesday, 7 December-Friday, 10 December	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on the common provisions of the draft Convention and its draft protocols and on articles 4 *ter* and 17 *bis* of the draft Convention

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Sixth session
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Common provisions of the draft Convention against Transnational Organized Crime and the draft Protocols thereto

Note by the Secretariat

I. Introduction

1. At its fifth session, held in Vienna from 4 to 15 October 1999, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime decided that at its sixth session it would devote part of its informal consultations to an overview of provisions that could be considered common to the draft Convention and the draft Protocols thereto. The present note is submitted by the Secretariat to assist the Ad Hoc Committee in its deliberations.

II. Common provisions

2. The term "common provisions" may not reflect adequately the matters that the Ad Hoc Committee has decided to address with the review it will undertake at the informal consultations to be organized during its sixth session. It is used here to refer to provisions of the draft Convention and draft Protocols thereto intended to deal with similar issues. Those issues fall under several broad categories and are all related to the needs created by the purposes of the draft Convention and draft Protocols thereto.

3. There are two points that the Ad Hoc Committee may find useful to take into consideration in its review. Firstly, the draft Protocols are designed to address very specific issues. That specificity would require that many of the common provisions be supplemented by additional language. Secondly, the draft Protocols are often inconsistent, both with one another and with the draft Convention, in the language used in provisions designed to address identical matters. Those inconsistencies can be explained in part by the

fact that the drafts were prepared by different delegations at different times. No effort has been undertaken to date to bring the texts into line with each other. The Ad Hoc Committee may wish to explore whether its review of the common provisions may also have as a goal to eliminate inconsistencies in the draft texts.

4. The table that follows contains the provisions of the draft Convention and draft Protocols that address similar matters. The current text of those provisions can be found in documents A/AC.254/4/Rev.5 (revised draft Convention), A/AC.254/4/Add.1/Rev.3 (revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea), A/AC.254/4/Add.2/Rev.2 (revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials) and A/AC.254/4/Add.3/Rev.4 (revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children). The provisions cited are divided into six general categories, in line with the issues they are intended to address:

Category	*Convention*	*Migrants Protocol*	*Firearms Protocol*	*Trafficking in Persons Protocol*
Confiscation	Articles 7, 7 *bis* and 7 *ter*	(No specific provision)	Article VII	Article 5 *bis*
Jurisdiction	Article 9	Article 6	Article VI	(No specific provision)
International cooperation	Articles 10 and 14	(No specific provision)	Article XV	(No specific provision)
Implementation measures	Article 23 *ter*	Articles 8 and 9	(No specific provision)	Article 14
Exchange of information	Articles 19, 20 and 22	Articles 10 and 11	Article XIV	Article 8
Technical cooperation	Article 21	Article 14	Articles XVI and XVIII	(No specific provision)

5. The review of the common provisions could be carried out without prejudice to the content of those provisions. In view of the general nature of the matter, the review could be made without affecting the performance of the mandated functions of the Ad Hoc Committee or limiting its discretion regarding the final formulation of the provisions under review. In fact, achieving consistency between the draft Convention and the draft Protocols, as well as between the draft Protocols themselves, would be conducive to the implementation of the mandate of the Ad Hoc Committee, as it would obviate the need to revisit provisions dealing with similar or identical matters after the Ad Hoc Committee has negotiated their formulation and attained consensus on their content in the framework of the draft Convention.

6. In that context, the Ad Hoc Committee may wish to consider the following:

(a) In which of the above-mentioned provisions of the draft Protocols it would be appropriate to make applicable by reference the corresponding provision or provisions of

the draft Convention (for example, by stating that the corresponding provision(s) would apply *mutatis mutandis*);

(b) Which of the above-mentioned provisions of the draft Protocols would require additional language to ensure that the specificity of the draft Protocol is adequately reflected and served;

(c) Whether there is a particular need to add provisions to draft Protocols that at present contain no specific provisions in any of the above categories, along the lines of (a) and (b) above.

III. Final provisions

7. The draft Convention and draft Protocols contain final provisions, as is customary with all international legal instruments. However, for the reasons already stated above, the current texts of the draft Protocols are not consistent with each other or with the draft Convention. The economy of the texts and standard practice regarding the structure of international legal instruments would require that the draft Protocols contain such final provisions. Without prejudice to the final formulation of those provisions, the Ad Hoc Committee may wish to consider whether it would be appropriate to direct the Secretariat to insert in each of the draft Protocols final provisions that would be identical to those of the draft Convention. The table that follows indicates the current final provisions of the draft Convention and draft Protocols:

Convention	*Migrants Protocol*	*Firearms Protocol*	*Trafficking in Persons Protocol*
Articles 25, 26 and 27-30	Articles 17-19	Articles XVIII *ter*, XVIII *quater*, XIX and XIX *bis*	Articles 17 and 18

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Seventh session
Vienna, 17-28 January 2000

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its sixth session, held in Vienna from 6 to 17 October 1999

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V.99-91278 (E)

I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.

2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000.

II. Organization of the session

A. Opening of the session

3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its sixth session in Vienna from 6 to 17 December 1999. The Ad Hoc Committee held 20 meetings.

4. At its fifth session, held in Vienna from 4 to 15 October 1999, the Ad Hoc Committee had decided to consider at its sixth session articles 4 *ter*, 17 *bis* and 20-30 of the revised draft United Nations Convention against Transnational Organized Crime, as well as to continue its first reading of the international legal instruments addressing trafficking in persons, especially women and children, and illegal trafficking in and transporting of migrants, including by sea.

5. After the opening of the sixth session of the Ad Hoc Committee by its Chairman, the Secretary recalled that the Ad Hoc Committee had requested the Secretariat to prepare an analytical study on provisions of national laws relevant to the draft Convention concerning offences punishable by deprivation of liberty, with an indication of the number of years of imprisonment. He informed the Ad Hoc Committee that the analytical study on serious crime (A/AC.254/22 and Corr.1 and Add.1) had been prepared and would be distributed to all delegations during the sixth session of the Ad Hoc Committee.

B. Attendance

6. The sixth session of the Ad Hoc Committee was attended by representatives of 106 States. Also attending the sixth session were observers for entities maint permanent observer missions to the United Na organizations of the United Nations system, institu the United Nations Crime Prevention and Criminal J Programme network, intergovernmental organizatio non-governmental organizations. The list of particip contained in annex I to the present report.

C. Adoption of the agenda and organizat of work

7. At its 77th meeting, on 6 December 1999, t Hoc Committee adopted the following agenda f sixth session:

1. Opening of the sixth session of the A Committee.
2. Adoption of the agenda and organizati work.
3. Consideration of the additional interna legal instruments:
   (a) Draft instrument against trafficking in and transportin migrants, with particular emphas articles 7-19;
   (b) Draft instrument against traffick persons, especially women and chi with particular emphasis on articles
4. Consideration of the revised draft U Nations Convention against Transna Organized Crime, with particular empha articles 4 *ter*, 17 *bis* and 20-30.
5. Adoption of the report of the Ad Committee on its sixth session.

D. Documentation

8. At its sixth session, the Ad Hoc Committe before it, in addition to the documents prepared b Secretariat, documents containing proposals contributions submitted by the Governments of Arge Austria, Cameroon, Canada, China, Colombia, Fi France, Germany, India (on behalf of the Group o Japan, the Libyan Arab Jamahiriya, Me the Russian Federation, South Africa and the United S

of America. A list of documents is contained in annex II to the present report.

III. Discussion on the additional international legal instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19

9. At its 77th to 80th meetings, the Ad Hoc Committee discussed the additional legal instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19. It based its work on a document containing the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.15, A/AC.254/L.96, A/AC.254/L.97, A/AC.254/L.99, A/AC.254/L.101, A/AC.254/L.102 and A/AC.254/L.104).

10. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft protocols thereto. The new version of those articles of the draft Protocol was included in document A/AC.254/L.128/Add.2. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session will be reflected in a new version of the draft Protocol.[1]

IV. Discussion on the additional international legal instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18

11. At its 81st to 86th meetings, the Ad Hoc Committee discussed the additional legal instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18. The Ad Hoc Committee decided to base its work on the restructured version of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/5/Add.13), as had been recommended by the informal consultations held during the fifth session of the Ad Hoc Committee, and on other proposals and contributions submitted by Governments (A/AC.254/5/Add.16, A/AC.254/L.103, A/AC.254/L.105, A/AC.254/L.107 and A/AC.254/L.116). The Ad Hoc Committee also had before it revisions of and amendments to the draft Protocol prepared by informal working groups, either at the request of the Chairman or on the basis of the Chairman's summaries (A/AC.254/L.110, A/AC.254/L.112 and A/AC.254/L.113).

12. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft protocols thereto. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session (A/AC.254/L.128/Add.3) will be reflected in a new version of the draft Protocol.[2]

V. Discussion on the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 *ter*, 17 *bis* and 20-30

13. At its 87th to 96th meetings, the Ad Hoc Committee discussed articles 4 *ter*, 17 *bis* and 20-30 of the draft Convention. The Ad Hoc Committee based its work on the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.5) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.14, A/AC.254/L.98, A/AC.254/L.100, A/AC.254/L.108, A/AC.254/L.111, A/AC.254/L.114, A/AC.254/L.115, A/AC.254/L.118, A/AC.254/L.119 and A/AC.254/L.121-125). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention prepared by informal working groups, either at the request of the Chairman or on the basis of the Chairman's summaries (A/AC.254/L.122). In completing

[1] To be issued subsequently as document A/AC.254/4/Add.1/Rev.4.

[2] To be issued subsequently as document A/AC.254/4/Add.3/Rev.5.

its second reading of the draft Convention and in accordance with the request by the Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect the points of convergence and would form the basis for further drafting. The new version of those articles was included in document A/AC.254/L.128/Add.4. The progress achieved on the draft Convention by the Ad Hoc Committee at its sixth session will be reflected in a new version of the draft Convention.[3]

14. The representative of Morocco, speaking on behalf of the Group of African States, informed the Ad Hoc Committee of delays experienced by representatives of least developed countries in receiving funds intended to assist them in meeting the local costs of their attendance at the sixth session of the Ad Hoc Committee. The Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention explained that administrative difficulties stemming from certain General Assembly decisions currently in force were the root cause of the delays. The Ad Hoc Committee expressed the hope that, in order to alleviate the situation, the Assembly would give favourable consideration to a draft resolution on the subject that would be submitted to it at its fifty-fourth session by Guyana, on behalf of the Group of 77 and China. In that resolution the Assembly would request the Secretary-General both to continue to use the extrabudgetary resources provided for the purpose of covering the travel expenses of representatives of least developed countries to attend the session of the Ad Hoc Committee and also to provide financial support, as extrabudgetary resources permitted, to cover the local costs of those representatives.

VI. Informal consultations

15. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate.

16. At its fifth session, the Ad Hoc Committee had decided that the informal consultations at its sixth session would be devoted to an overview of provisions that could be considered common to the draft Convention and the draft protocols thereto, and to consideration of the articles of those draft instruments that would be under discussion at its sixth session. At the sixth session of the Ad Hoc Committee, informal consultations were held from 7 to 10 December 1999 in parallel with the plenary meetings of the Ad Hoc Committee. The documents made available to the Ad Hoc Committee for its informal consultations were A/AC.254/21, A/AC.254/4/Rev.5, A/AC.254/5/Add.14, A/AC.254/L.106 and A/AC.254/L.117.

17. The recommendations of the informal consultations (A/AC.254/L.109 and A/AC.254/L.120) were submitted to the Ad Hoc Committee by the chairmen of the informal consultations.

18. At its 94th meeting, the Ad Hoc Committee approved the recommendations of the informal consultations on the common provisions of the draft Convention and the draft protocols thereto (A/AC.254/L.109). The Ad Hoc Committee carried out its work on articles 4 *ter*, 20, 22 and 22 *bis* on the basis of the recommendations of the informal consultations (A/AC.254/L.120).

VII. Adoption of the report of the Ad Hoc Committee on its sixth session

19. At its 96th meeting, on 17 December 1999, the Ad Hoc Committee adopted the report on its sixth session (A/AC.254/L.128).

20. At the same meeting, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its seventh session, to be held in Vienna from 17 to 28 January 2000 (A/AC.254/L.128/Add.1).[4]

21. In approving the provisional agenda for its seventh session, the Ad Hoc Committee decided to include an item on the implementation of General Assembly resolution 54/128, entitled "Action against corruption".

[3] To be issued subsequently as document A/AC.254/4/Rev.6.

[4] To be issued subsequently as document A/AC.254/24.

Annex I

List of participants

States

Afghanistan	Farid A. Amin
Albania	Roland Izedin Bimo, Spiro Koci
Algeria	Mokhtar Reguieg, Boudjema Mehdi, Mohamed Khellili, Salah Francis El-Hamdi, Linda Briza
Angola	Henrique Dos Santos, António Felismino, José L. Bravo da Costa
Argentina	Juan Carlos Kreckler, Eugenio M. Curia, Gustavo de Paoli, Eduardo Tempone, Martin Recondo
Australia	Annette Willing, Helen Stylianou, Susan Coles, Suzanne Tatam
Austria	Irene Freudenschuss-Reichl, Fritz Zeder, Stefan Benner, Ulrike Kathrein, Wolfgang Pekel, Albin Dearing, Heinz Drobesch, Karl Hutter, Matthias Vogl, Wolfgang Gschliffner, Johann Haller, Christian Fellner, Elisabeth Marschang, Gregor Schusterschitz, Christian Ebner, Katharina Koller
Bangladesh	M. Farrukh Ahmed
Belarus	Valyantsin Fisenka, Olga Zvereva
Belgium	Michel Adam, Peter Huyghebaert, J. S. Jamart, Wouter Boucique, W. de Meyer, Tina Scholiers, M. F. Gazan
Benin	Antoine Gouhouede
Bolivia	Jaime Niño de Guzmán, Juan Ignacio Siles, Maria Lourdes Espinoza
Brazil	Manoel Gomes Pereira, Jose Jorge Alcazar Almeida
Bulgaria	Ivan Naydenov, Traiko Spasov
Burkina Faso	Thomas Sanou, Lazare Gansore, Thomas Dakouré, Herman Traore
Burundi	François Ndayiragije
Cameroon	Egbe Achuo Hillmann, Bisseck Raphael, Tehane Levi, Eheth Salomon, Yay Jean Gabriel, Ename Atangana, Ela Emmanuel Thierry, Ndimba Wenceslas de Bohème
Canada	Keith Morrill, Alan Morgan, Robert Sinclair, Audrey Tomick, Debra Normoyle, Jacques Lemire, James Hayes, Jamie Deacon
Cape Verde	Felesmino Garcia Cardoso
Chile	José Luis Balmaceda, Patricio Powell
China	Xu Hong, Liu Yinghai, Diao Mingsheng, Zhai Jinrong, Liu Guoxiang, Zhang Yi, Tian Ni

Colombia	Héctor Charry Samper, Juliana Bustamante Reyes, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina
Comoros	Mirhane Bourhane
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Côte d'Ivoire	Lenoir Kouassi, Olga Barou
Croatia	Mario Nobilo, Ranko Vilović, Željko Horvatić, Zoran Nekić, Marijana Kujundžić
Cuba	Luis Garcia Peraza, Aurora Gramatges López, Eliseo Zamora Hernández, Pedro Manuel Alvarez Aguirre
Cyprus	Nicolaos D. Macris, Anny Shakalli, Antonios Theocharous
Czech Republic	Pavel Šturma, Jan Kohout
Democratic People's Republic of Korea	Jong Yun Hyong, Kim Tok Gil
Denmark	Gitte Hundahl, Rikke Freil Schaumann, Ingeborg Gade, Jan Torp Hansen, Jakob Christensen, Anders Karlsen, Carsten Krogh
Djibouti	Omar Houssein Hassan
Ecuador	Patricio Palacios, Franklin Chavez
Egypt	Sameh Hassan Shoukry, Iskandar Ghattas, Abdel Wahab Mohamed Bakir, Yasser Sayed El-Atawi, Salıman Abdeloneim
Finland	Tom Grönberg, Jaakko Halttunen, Matti Joutsen, Reijo Pöyhönen, Seppo Juntunen, Tuomo Kurri, Camilla Busck-Nielsen, Pia Rantala
France	Bérengère Quincy, Alain Moureau, Oliver de Baynast, Philippe Delacroix, Catherine Thony, Michel Gauthier, Eric Ruelle, Anne Delahaie, Michel Quille, Bruno Savoye, Anne-Sylvie Delouvrier, Anne-Françoise Tissier, M. Petraz, Alain Bianchi, Delphine Lida, Françoise Travaillot, Patrick Deunet, Gilles Vaysser
Gambia	Sariyang M. K. Jobarteh
Georgia	Levan Mikeladze, Zurab Chapidze
Germany	Michael Grotz, Hans Peter Plischka, Manfred Möhrenschlager, Axel Werbke, Thomas Fitschen, Joachim Ziegler, Albrecht Volkwein, Alexander Bollongino, Martina Lapacz, Joachim Rzenicki-Weyers, Nicole Zundorf-Hinte, Gerhard Neurohr, Bernd Rossbach, Christian Dargel
Greece	Ioannis Aggelis, Ekaterini Fountoulaki, Konstantinos Matzoukas
Guatemala	Ricardo Diaz-Duque, Sylvia Wohlers de Meie, Juan Pablo Diaz Castillo
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Haiti	Rolande Dorency Dathis, Moetsi Duchatellier
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Hungary	Mihály Tóth, Tibor Tóth, László Gál, Zoltán Márki, Sándor Virág, Ákos Borai, András Blahó, Róbert Manchin, István Münnich, Attila Zsigmond, Andrea Igazi, Árpád Eördögh
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Indonesia	Sapartini S. Kuntjoro Jakti, Sadewo Joedo, Diar Nurbintoro
Iran (Islamic Republic of)	Mehdi Danesh-Yazdi, Amir Hossein Zamaninia, Ali Hajigholam Saryazdi, Mahmoud Khani Joyabadi, Bahram Darvish Khadem, Mehdi Nikfar
Ireland	Donacha O'Sullivan, Anne Vaughan
Italy	Vincenzo Manno, Gioacchino Polimeni, Massimo Curcio, Luigi Sico, Roberta Barberini, Maria Grazia Giammarinaro, Giusto Sciacchitano, Francesca Marcelli, Elisabetta Rosi, Gualtiero Michelini, Alfredo Nunzi, Ennio Di Francesco, Vincenzo Delicato, Castore Palmerini, Giancarlo Olimbo, Umberto de Augustinis, Sandro Senatore, Tiziana Terribile
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Kuwait	Faisal Al-Ghais, Jasem Al-Budaiwi
Lebanon	William Habib, Georges Boustani, Mohammed Alameldin, Caroline Ziadé
Libyan Arab Jamahiriya	Said Abdulaati, Abduslam El Tomai, Sharif Ali Alazhari, Mehdi S. Medjrbi, Faisal Elshaeri
Lithuania	Sarunas Adomavicius
Luxembourg	Georges Santer, Pierre Franck, Pierre Ferring, Katja Kremer
Madagascar	Maxime Zafera, Maurice Randrianame, Clarah Andrianjaka, Koraiche Allaouidine
Mauritania	Abbat Ould Senny
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Mexico	Olga Pellicer, Joel Hernandez, Sergio Olivar Moctezuma, Vanessa Patiño Bonnemaire, Irma Cue Sarquis, Martín Salvador Morfin Ruiz, Elvia Perez Gonzalez, Juan Jorge Quiroz Richards
Morocco	Abderrahim Benmoussa, Mohamed Eloualladi, Abdellatif Saadi
Mozambique	Maria Leonor Joaquim, Pedro Sinai Nhatitima, Joã Brito Da Cunha, Zanadine Dalsuco, Lourenço Mavie

Myanmar	Sit Aye
Nepal	Kul Chandra Shrestha
Netherlands	Jaap Ramaker, Marjorie Bonn, Jan Peek, J. Wiarda, Michiel Bierkens, Quirine Van der Linden, Liesbeth Lijnzaad
Nicaragua	Alberto Altamirano Iacayo
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Nigeria	Dahiru Adamu, Abel Adelekun Ayoko, Lot Peter Egopija
Norway	Helga Hernes, Lars Meling, Brigit Vinnes, Fredrik Böckman Finstad, Ellen-Sofie Terland, Jan Pieter Groenhof, Gjermund Saether, Ola Rambjör Heidi
Oman	Ahmed Said Al-Hassani, Said Nasser Al-Siyabi, Ahmed Said Al-Hasani, Yousuf A. H. Al-Jabry
Pakistan	Shaukat Umer, Iffat Imran Gardezi
Panama	Jorge Enrique Halphen Pérez, Mirna P. de Pérez-Venero
Peru	Gilbert Chauny de Porturas Hoyle, Ruth Saif de Prèperier, Raúl Loarte Ramos, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Jose Percival L. Adiong, Aurora Javate-de-Dios, Alberto M. Astudillo, Mary Anne A. Padua, Nelia Sancho
Poland	Janusz Rydzkowski, Mariusz Skowroński, Zbigniew Wrona, Zdzisław Galicki, Beata Ziorkiewicz, Bożena Szczytowska
Portugal	Joã Rosa Lã, José Maria Leite Martins, Mario Gomes Dias, Euclides Dâmaso Simões, Liliana Araujo, Carlos Pais, Maria do Carmo Costa, Maria José Matos, António Folgado, Cristina Pucarinho, Eduardo Lobo Rodrigues
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Republic of Korea	Chung Dal-ho, Yuh Jae-hong, Paek Kee-bong, Koo Hyun-mo, Je Dong-hwan, Lee Chul
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Russian Federation	Sergei N. Karev, Valery V. Loshchinin, Victor N. Melnikov, Georgiy G. Matchitidze, Mikhail S. Paleyev, Lyudmila N. Kurovskaya, Vladimir V. Chistyukhin, Igor L. Smirnov, Valentine I. Mikhailov, Anatoly V. Grinenko, Alexander V. Zinevitch, Sergey V. Zemskiy, Andrei Y. Averin, Maxim V. Kotelnikov, Eduard P. Ryazanov, I. L. Dimitrov, D. V. Grishchin, I. O. Meledzayev, O. K. Leshchev
Rwanda	Busingye Johnston

Saudi Arabia	Omar Ibn Mohammad Kurdi, Abdulrahim M. Al Ghamdi, Abdullah Ibn Abdul-Rahman Al-Yousuf, Fahd Nasser Al-Mannaa, Mohammad Ibn Nasser Al-Owlah, Abdul-Rahman Hamdan Al-Shamrani, Ahmad Abdul-Karim Al-Marzouqi, Mutlaq ibn Saleh Al-Dibjan, Saud Al-Mutlaq, Mohammed Abdul-Aziz Al-Mohaizer
Singapore	Sowaran Singh, Danielle Ping Lin Yeow, Sellakumaran Sellamuthoo
Slovakia	Alojz Némethy, Oksana Tomová, Zuzana Chudá, Vladimír Kotulič, Paval Slopovský, Denisa Ivanová, Jozef Szabó, Metod Špaček
Slovenia	Bojan Bertoncelj
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Sudan	Isaac Chinkok Kenti, Kureng Akuei Pac
Sweden	Per Hedvall, Erika Hemtke, Johanna Peyron, Håkan Öberg
Switzerland	Urs Breiter, Anita Marfurt, Daniel Wüger, Charles Naudi, Stephan Arnold
Syrian Arab Republic	Omar Mohammed Kurdi, Sobhi Salloum, Abboud Al-Sarraj, Jawad Nabout
Thailand	Udom Raksiltharm, Sutee Thaichinda, Wanchai Roujanavong, Suphanvasa Chotikajan
The former Yugoslav Republic of Macedonia	Margarita Trajkova, Ruzica Zanteva Angelova
Togo	Joachim Bénivi Beni-Locco
Tunisia	Slabeddine Dhambri, Tahar Fellous, Emma Lazoughli, Fethi Setty, Sabri Chaabani, Nabil Ammar
Turkey	Abdülkadir Kaya, M. Aydın Özbay, Macide Erdener
Ukraine	Volodymyr Ohrysko, Yevgen Strekalov, Viktoria Kuvshynnykova
United Arab Emirates	Mohamed Mahmood Al Kamali, Abdulrahim Mohamed Sinkais Al-Awadi, Abdulla Al-Falasi, Jamal Mohamed Khalifa Al Marri, Hassan Mohammed Tamim

United Kingdom of Great Britain and Northern Ireland	John Patrick George Freeman, Richard Bradley, Mark Etherton, Paul McKell, Aiden Kiely, David Lusher, Robert Butlin, Brian Kinney, David Wilson
United States of America	Rob Boone, Laura E. Kennedy, Kathleen W. Barmon, Jeffrey A. Breinholt, Thomas N. Burrows, Mary Helen Carlson, Thomas Coony, Kenneth Harris, Raul Pedrozo, Kenneth Propp, James Puleo, Herbert S. Traub, James Vigil, Steven C. Warnath
Uruguay	D. Fructuoso Pittaluga-Fonseca, Gustavo Alvarez, Elena Fajardo
Venezuela	Fidel Garófalo Laya, Neiza Pineda
Yemen	Abdul Qader Qahtan, Naggeb Ismail Ali
Zimbabwe	Phelekezela Mphoko

Entities represented by observers

Palestine

United Nations Secretariat units

Office of the United Nations High Commissioner for Human Rights, Office for Drug Control and Crime Prevention, Economic Commission for Africa

United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Institute of Higher Studies in Criminal Sciences

Specialized agencies and other organizations of the United Nations system

United Nations Children's Fund, International Maritime Organization

Other intergovernmental organizations

Asian-African Legal Consultative Committee, Council of Arab Ministers of the Interior, Council of the European Community, European Union, International Centre for Migration Policy Development, International Criminal Police Organization, International Organization for Migration, League of Arab States, Organization for Security and Cooperation in Europe, Secretariat of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status

International Abolitionist Federation, International Council of Women, Zonta International

Special consultative status

Asia Crime Prevention Foundation, Asian Women's Human Rights Council, Caritas Internationalis (International Confederation of Catholic Charities), Coalition against Trafficking in Women, European Women's Lobby, International Council on Alcohol and Addictions, International Federation of University Women, International Human Rights Law Group, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Council of Independent Christian Churches

Roster

International Movement against All Forms of Discrimination and Racism

Annex II

List of documents before the Ad Hoc Committee at its sixth session

Document symbol	*Title or description*
A/AC.254/4/Rev.5	Revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.1/Rev.3	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.3/Rev.4	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.13	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.14	Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.15	Proposals and contributions received from Governments on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.16	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/19	Report of Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its fifth session, held in Vienna from 4 to 15 October 1999
A/AC.254/19/Add.1	Report of the informal consultations on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/20	Annotated provisional agenda and proposed organization of work

Document symbol	*Title or description*
A/AC.254/21	Common provisions of the revised draft United Nations Convention against Transnational Organized Crime and the draft Protocols thereto: note by the Secretariat
A/AC.254/22 and Corr.1 and Add.1	Analytical study on serious crime
A/AC.254/L.96	Mexico: amendment to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.97	Germany: amendments to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.98	Austria and the United States of America: amendments to articles 23 and 23 *bis* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.99	Argentina: amendment to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.100	Colombia: amendments to articles 2 *bis* and 4 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.101	Libyan Arab Jamahiriya: comments on and amendments to articles 7-10 and 14-16 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.102	Cameroon: amendments to articles 8, 11, 12 and 14 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.103	Cameroon: amendments to articles 8-10, 12-14 and 18 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.104	France: amendment to article 9 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

Document symbol	*Title or description*
A/AC.254/L.105	United States of America: amendments to articles of the revised draft Protocol to Prevent, Suppress Trafficking in Persons, Especially Women and supplementing the United Nations Conventio Transnational Organized Crime
A/AC.254/L.106	Finland: non-paper comparing the common provis revised draft United Nations Convention Transnational Organized Crime and the three draf
A/AC.254/L.107	France and United States of America: amen article 8 of the revised draft Protocol to Prevent and Punish Trafficking in Persons, Especially W Children, supplementing the United Nations C against Transnational Organized Crime
A/AC.254/L.108	India: amendments to the revised draft Unite Convention against Transnational Organized Cri
A/AC.254/L.109	Common provisions of the revised draft Unite Convention against Transnational Organized Cri draft Protocols thereto: report of the Chairma informal consultations
A/AC.254/L.110	Revised draft Protocol to Prevent, Suppress a Trafficking in Persons, Especially Women and supplementing the United Nations Conventio Transnational Organized Crime: report on the consultations
A/AC.254/L.111	Japan: amendment to article 4 *ter* of the rev United Nations Convention against Transnational Crime
A/AC.254/L.112	Working group on the inclusion of a non-disc clause in article 13 (Savings clause) of the rev Protocol to Prevent, Suppress and Punish Traf Persons, Especially Women and Children, supplem United Nations Convention against Transnational Crime: amendment to article 13 of the draft P contained in document A/AC.254/5/Add.13
A/AC.254/L.113	Working group on article 10 (Prevention of traf persons) of the revised draft Protocol to Prevent and Punish Trafficking in Persons, Especially W Children, supplementing the United Nations C against Transnational Organized Crime: amen article 10 of the draft Protocol as contained in A/AC.254/5/Add.13
A/AC.254/L.114	Canada: amendment to article 26 of the rev United Nations Convention against Transnational Crime

Document symbol	*Title or description*
A/AC.254/L.115	Russian Federation: amendments to article 4, 4 *bis* and 4 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.116	Germany: amendment to article 13 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/L.112)
A/AC.254/L.117	Informal consultations: working text of articles 20 and 22 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.118	China: amendment to article 22 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.119	Mexico: amendment to article 4 *ter* and proposal for a new article of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.120	Articles 4 *ter*, 20, 22 and 22 *bis* of the revised draft United Nations Convention against Transnational Organized Crime: report of the Chairman on the informal consultations
A/AC.254/L.121	South Africa: amendment to article 4 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.122	Working group on article 23 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.123	France: amendment to article 24 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.124	Germany: amendment to article 17 *bis* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.125	United States of America: amendment to article 4 *ter* and proposal for a new article of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.126	Colombia: amendment to articles 22 and 26 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.127	Yemen: amendment to article 22 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.128	Draft report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its sixth session

Document symbol	*Title or description*
A/AC.254/L.128/Add.1	Draft provisional agenda and proposed organization of work for the seventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 17 to 28 January 2000
A/AC.254/L.128/Add.2	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.128/Add.3	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.128/Add.4	Articles 4 *ter*, 17 *bis* and 20-30 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/CRP.3	International Maritime Organization circular on interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea

United Nations A/AC.254/24

General Assembly

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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Seventh session
Vienna, 17-28 January 2000

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the seventh session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 1-3, 5 and 6.
4. Implementation of General Assembly resolution 54/128, entitled "Action against corruption".
5. Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
6. Adoption of the report of the Ad Hoc Committee on its seventh session.

Annotations

1. Opening of the seventh session of the Ad Hoc Committee

The seventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 17 January 2000, at 10 a.m.

2. Adoption of the agenda and organization of work

At its sixth session, held in Vienna from 6 to 17 December 1999, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its seventh session (A/AC.254/L.128/Add.1). The Ad Hoc Committee decided that at its seventh session it would devote five days to the consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 1-3, 5 and 6, dealing with the statement of objectives, the scope of application, the use of terms, the criminalization of participation in an organized criminal group, the liability of legal persons, and prosecution, adjudication and sanctions.

The Ad Hoc Committee also decided to consider the implementation of General Assembly resolution 54/128 of 17 December 1999, entitled "Action against corruption".

The Ad Hoc Committee further decided to devote five days to the consideration of the draft text of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

The resources available to the Ad Hoc Committee at its seventh session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the seventh session of the Ad Hoc Committee.

3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 1-3, 5 and 6

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions, and completed a first reading of articles 24-30. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paras. 1-13). At its fifth session, the Ad Hoc Committee concluded the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), 15-17 and 18-19. At its sixth session, the Ad Hoc Committee concluded its second reading of the draft Convention by considering articles 4 *ter*, 17 *bis* and 20-30.

Also at its sixth session, the Ad Hoc Committee decided that at its seventh session it would begin the finalization of the draft Convention with the negotiation of articles 1-3, 5 and 6. That decision was made on the understanding that, should the Ad Hoc Committee finalize those articles with time remaining at its seventh session, it would proceed to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the finalization of articles 1-3, 5 and 6

of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of subsequent articles.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.6)

Proposals and contributions received from Governments (A/AC.254/5/Add.17)

Analytical study on serious crime prepared by the Secretariat (A/AC.254/22 and Corr.1 and Add.1)

4. Implementation of General Assembly resolution 54/128, entitled "Action against corruption"

At its sixth session, the Ad Hoc Committee decided to consider the implementation of General Assembly resolution 54/128, entitled "Action against corruption". In that resolution, the Assembly requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention and the three additional instruments referred to in Assembly resolution 53/111 of 9 December 1998, and to present its views to the Commission on Crime Prevention and Criminal Justice.

In its resolution 54/126 of 17 December 1999, entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto", the General Assembly requested the Ad Hoc Committee to submit a report to the Commission at its ninth session on the progress achieved in its work. The Ad Hoc Committee may wish to include in its report its views on the implementation of Assembly resolution 54/128.

5. Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

In its resolution 53/111, the General Assembly decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In the same resolution, the Assembly requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

At its first and third sessions, the Ad Hoc Committee carried out a first reading of the draft international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. At its fifth session, the Ad Hoc Committee carried out a second reading of articles 2-5 and 8 of that draft instrument.

In its resolution 54/126, the General Assembly, requested the Ad Hoc Committee to continue its work, in accordance with resolutions 52/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000. The Assembly also requested the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft protocols to the draft Convention, in order to enhance the possibility of their completion at the same time as the draft Convention.

Documentation

Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.3)

Proposals and contributions received from Governments (A/AC.254/5/Add.18)

Background documents

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/AC.254/CRP.1)

Informal consultations

At its fourth session, the Ad Hoc Committee decided that in future informal consultations should be organized in order to facilitate the implementation of its mandate (A/AC.254/17, para. 25). The holding of such consultations would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings, and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

The resources available to the Ad Hoc Committee at its fifth and sixth sessions permitted the holding of eight parallel informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of each session.

The resources available to the Ad Hoc Committee at its seventh session will permit the holding of 16 parallel informal consultations from Tuesday, 18 January, to Thursday, 27 January 2000. At its sixth session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 18 January, to Friday, 21 January 2000, to the consideration of the additional international legal instrument against trafficking in persons, especially women and children, and the common provisions of that instrument with the additional international legal instrument against illegal trafficking in and transporting of migrants. Also at its sixth session, the Ad Hoc Committee decided to devote the informal consultations to be held from Monday, 24 January, to Thursday, 27 January 2000, to the consideration of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18 18 *bis* and 18 *ter* of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its eighth session.

The proposed organization of work contained in the annex to the present document provides more details on the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.6)

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4)

Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.5)

Proposals and contributions received from Governments (A/AC.254/5/Add.17)

Proposals and contributions received from Governments (A/AC.254/5/Add.19)

6. **Adoption of the report of the Ad Hoc Committee on its seventh session**

The Ad Hoc Committee is to adopt a report on its seventh session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the seventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 17 to 28 January 2000

A. Plenary

Date	*Time*	*Item*	*Title or description*
Monday, 17 January	10 a.m.-1 p.m. and 3-6 p.m.	1	Opening of the seventh session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 1-3, 5 and 6
Tuesday, 18 January-Thursday, 20 January	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation of the discussion
Friday, 21 January	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
		4	Implementation of General Assembly resolution 54/128, entitled "Action against corruption"
Monday, 24 January	10 a.m.-1 p.m. and 3-6 p.m.	5	Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition
Tuesday, 25 January-Thursday, 27 January	10 a.m.-1 p.m. and 3-6 p.m.	5	Continuation of the discussion
Friday, 28 January	10 a.m.-1 p.m. and 3-6 p.m.	5	Continuation and conclusion of the discussion
		6	Adoption of the report of the Ad Hoc Committee on its seventh session

B. Informal consultations

Date	*Time*	*Subject*
Tuesday, 18 January-Friday, 21 January	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the additional international legal instrument against trafficking in persons, especially women and children, and common provisions of the additional international legal instrument against illegal trafficking in and transporting of migrants
Monday, 24 January-Thursday, 27 January	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on the following articles (listed in the order in which they are to be considered): articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 4 *ter*, 4 *quater*, 17 *bis*, 17, 18, 18 *bis* and 18 *ter*.